By Mr. WEBB: Petition of Grassland Council, No. 209, Altamont, N. C., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of North Carolina Society of New York, for the Appalachian forest reserve bill; to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John Larue; to the Committee on Invalid Pensions.

Also, petition of Washington Camp No. 14, Patriotic Order Sons of America, Trenton, N. J., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of C. H. Rumford and other citizens of Trenton, N. J., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

Also, petition of Daniel Willets, of Trenton, N. J., and other members of the Society of Friends in America, deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

## SENATE.

THURSDAY, *February 9, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CREDENTIALS.

Mr. NEWLANDS presented the credentials of GEORGE S. NIXON, chosen by the Legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1911, which were ordered to be filed.

Mr. TAYLOR presented the credentials of LUKE LEA, chosen by the Legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

### COURTS IN IDAHO AND WYOMING.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898, which was to strike out all after the enacting clause and insert:

That section 3 of "An act to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming," approved July 5, 1892, as amended by the amendatory act approved June 1, 1898, be amended so as to read as follows:

"SEC. 3. That for the purpose of holding terms of the district court said district shall be divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Shoshone, Kootenai, and Bonner shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Latah, Nez Perce, and Idaho shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bingham, Bear Lake, Custer, Fremont, Bannock, Lemhi, and Oneida shall constitute the eastern division of said district."

SEC. 2. That section 6 of said act as amended by the act approved June 1, 1898, be amended so as to read as follows:

"SEC. 6. That the terms of the district court for the northern division of the State of Idaho shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October; and the provision of any statute now existing providing for the holding of said terms on any day contrary to this act is hereby repealed; and all suits, prosecutions, process, recognizance, bail bonds, and other things pending in or returnable to said court are hereby transferred to, and shall be made returnable to, and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed.

"That the clerk of the district and circuit courts for the district of Idaho and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts of the said several divisions of said judicial district. Whenever in the judgment of the district and circuit judges the business of said courts hereafter shall warrant the employment of a deputy clerk at Coeur d'Alene City, new books and records may be opened for the said court and a deputy clerk appointed to reside and keep his office at Coeur d'Alene City."

Mr. HEYBURN. I move that the Senate concur in the House amendment.

The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln; and

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

*To the President and Congress of the United States of America:*

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the National Treasury; but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners,

and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of tthe House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a telegram from the Legislature of the State of Washington, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

OLYMPIA, *February 8–9, 1911.*

The SECRETARY OF THE SENATE,
*Washington, D. C.:*

Following passed Washington Legislature to-day:

"House joint resolution 15.

*"To the honorable Senate and House of Representatives of the United States in Congress assembled:*

"Your memorialists, the senate and the house of representatives of the State of Washington, in legislative session assembled, would most respectfully represent—

"Whereas congressional action with reference to the revision of the tariff seems more or less probable; and

"Whereas contemplated congressional action with reference to the tariff involves and concerns certain industries of the Pacific coast and the State of Washington; and

"Whereas the continued prosperity and well-being of the State of Washington is to a large extent involved by the contemplated tariff revision:

"Now, therefore, your memorialists, in the name of the people of the State of Washington, and speaking in behalf of the State and the entire Pacific slope, we earnestly and respectfully petition and urge that no congressional action be taken with reference to the revision of the tariff without careful consideration of the industries of the western portion of the United States, and particularly of the northwestern portion. Your memorialists further urgently and earnestly petition and urge that the interests so vital to the welfare of the State of Washington and the Pacific Northwest are entitled to the same full consideration and thorough review by a nonpartisan, unbiased tariff board as are all other industries of the Nation, and for that reason and in that behalf your memorialists urge congressional action accordingly, and that no action be taken without such consideration and review."

LOREN GRINSTEAD,
*Chief Clerk of the House.*

The VICE PRESIDENT presented a petition of the Municipal Council of San Juan, P. R., praying for the adoption of certain proposed amendments to the so-called Olmsted bill to provide a civil government for Porto Rico, and for other purposes, which was ordered to lie on the table.

Mr. GALLINGER presented memorials of the State Grange, Patrons of Husbandry, representing 30,000 members; of the Congress of the Knights of Labor; and of the Board of Trade of Berlin, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp No. 1, Patriotic Order Sons of America, of Keene, N. H.; of John P. Hale Council, Junior Order United American Mechanics, of Barrington, N. H.; and of Orient Council, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Wesley B. Knight Post, Department of New Hampshire, Grand Army of the Republic, of Derry and Londonderry, N. H., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. PERKINS. I present a joint resolution, adopted by the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 8, 1911.*

Hon. GEORGE C. PERKINS,
*United States Senator from California, Washington, D. C.*

SIR: I am hereby directed to transmit the following joint resolution, passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it

*"Resolved by the senate and assembly of the State of California jointly,* That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

*"Resolved,* That the Secretary of the Senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
*Secretary of Senate.*

Mr. PERKINS presented petitions of sundry citizens of California, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. CULLOM presented a memorial of the Board of Trade of Peoria, Ill., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of Maine Lodge, No. 545, Brotherhood of Railroad Trainmen, of East St. Louis, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union, Farmers' Educational and Cooperative Union of America, of Pinckneyville, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Mackinaw, Ill., and a memorial of the National Board of Directors of the Travelers' Protective Association of Springfield, Ill., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented a memorial of Franklin County Bar Association, of Columbus, Ohio, remonstrating against the enactment of legislation providing for holding two terms each year of the circuit and district courts of the southern district of Ohio, at the city of Portsmouth, Ohio, which was referred to the Committee on the Judiciary.

Mr. CUMMINS presented memorials of sundry citizens of West Branch, Hynes, Richland, Hesper, Kanawha, Grinnell, Marshalltown, Hillsboro, New Providence, New Sharon, and Casey, all in the State of Iowa, remonstrating against any appropriation being made for the fortification of the Panama Canal, which were referred to the Committee on Interoceanic Canals.

Mr. OLIVER. I present a communication from the master of the Pennsylvania State Grange, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the communication was read and referred to the Committee on Foreign Relations, as follows:

PENNSYLVANIA STATE GRANGE, PATRONS OF HUSBANDRY,
*Catawissa, Pa., February 7, 1911.*

Hon. GEORGE T. OLIVER,
*Washington, D. C.*

DEAR SIR: On behalf of the organized farmers of Pennsylvania, I hereby enter our protest against the Canadian reciprocity treaty which puts farm products on the free list while making practically no reduction on high protection on manufactured articles.

Respectfully submitted.

WILLIAM T. CREASY,
*Master of Pennsylvania State Grange.*

Mr. BRISTOW. I present a telegram from the chief clerk of the senate of the State of Kansas, which I ask may be read and ordered to lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

TOPEKA, KANS., *February 8, 1911.*

Hon. J. L. BRISTOW,
*United States Senate, Washington, D. C.:*

I have the honor to inform you that the senate this afternoon passed house joint resolution No. 8, requesting Kansas Senators and Representatives in Congress to vote for amendment to Constitution providing for election of United States Senators by direct vote of the people.

EARL AKERS, *Chief Clerk.*

Mr. CRAWFORD. I present a communication from the secretary of the South Dakota State Union of the American Society of Equity, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the communication was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE AMERICAN SOCIETY OF EQUITY,
OFFICE OF THE SOUTH DAKOTA STATE UNION,
*Milbank, S. Dak., February 2, 1911.*

Hons. ROBERT J. GAMBLE and COE I. CRAWFORD,
*Washington, D. C.*

GENTLEMEN: As secretary of the South Dakota State Union, of the American Society of Equity, I address you in the interests of the

farmers of South Dakota in regard to the reciprocity treaty arguments presented by the President.

The farmers of the Northwest, viz, North and South Dakota and Minnesota, are truly and rightly alarmed at some of the things advocated in this measure.

Especially that of putting wheat on the free list, as we see in this nothing but a measure in the interests of the speculators and milling combines against the grain growers of the United States.

The grain growers of the West and Northwest have organized themselves for profitable prices for farm products, and the farmers for the past three years have been able to see the benefits derived from their organization for controlled marketing to produce profitable prices.

The millers and speculators find that farmers do not dump all their crop on the market as formerly, regardless of demand or price. So that they (the speculators) can not now, as formerly, claim oversupply and pound down the prices at the expense of the grower. Until said speculators have the crop in their hands, when, lo! a change. A great shortage! and prices go up with a bound. But not for the benefit of the grower, but of the speculator.

Speculators and millers want Canadian wheat free simply that they may load our markets and cry overproduction to lower the price at the expense of farmers of the United States.

Gentlemen, you represent an agricultural State, and we certainly expect you to work and vote in the interest of your constituents, and shall expect you to vote against the removal of the tariff on wheat.

We also would call your attention to the bill looking to a reduction of the tax on oleomargarine, a move in the interests of the packing combines against the dairy interests of the country. Work and vote against any reduction of tax.

Very truly, yours,

W. I. LOTHIAN,
*Secretary South Dakota Union,*
*American Society of Equity.*

Mr. CRAWFORD presented petitions of Local Lodges No. 1415, of Brookings; No. 719, of Westport; No. 1184, of Carpenter; No. 740, of Michael; No. 1155, of Riverside; No. 13333, of Howard; No. 521, of Blunt; No. 644, of Yankton; No. 1354, of Sturgis; No. 602, of Elk Point; No. 590, of Monroe; No. 631, of Crooks; No. 559, of Huron; No. 2405, of Murdo; No. 752, of Spearfish; No. 599, of Madison; No. 2452, of Reville; No. 544, of Pierre; and No. 537, of Sioux Falls, all of the Modern Brotherhood of America, in the State of South Dakota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stony Butt, Vivian, McClure, and Chamberlain, in the State of South Dakota, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. GRONNA. I present a petition signed by a large number of members of the North Dakota Press Association and the North Dakota Ben Franklin Club, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the petition was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Hon. A. J. GRONNA, *Washington, D. C.*

DEAR SIR: We, the members of the North Dakota Press Association and the North Dakota Ben Franklin Club, in joint assembly in the city of Grand Forks, N. Dak., January 20, 1911, petition you and the honorable Senators to use your vote and every endeavor to secure the passage of the Nelson-Tou Velle bill which will do away the free Government printing of return cards on stamped envelopes for firms and individuals. We look upon this bill as of direct importance to every printer in the Nation, and will thank you for every endeavor which you may put forth in behalf of the printing fraternity of this and of every other State in the Nation.

We are not opposed to the stamped envelope with the blank return request, but we are determinedly opposed to the special return request for firms and individuals, which is printed by the Government without cost; sales are solicited at the expense of the Government, and the entire matter is a donation by the Government to that class of business which is the most able to pay the cost of this work. We look upon it as an unwarranted burden upon the Post Office Department, which is annually confronted with a deficit.

The free-printed return card for individuals and firms is now and always has been beyond the reach of the poor and uneducated, and does not contribute to the efficiency of the postal service. Business men alone can order the special-request stamped envelopes, not possible to be obtained in less than 500 lots, and they would use the return request anyway. Stamped envelopes as now furnished are manufactured and sold to the public under the provisions of the act of July 12, 1876, which reads as follows:

"The Postmaster General shall provide suitable letter and newspaper envelopes * * * and with postage stamps with such device and of such suitable denominations as he may direct impressed thereon; and such envelopes shall be known as 'stamped envelopes,' and shall be sold as nearly as may at the cost of procuring them (including all salaries, clerk hire, and other expenses connected therewith) with the addition of the value of the postage stamps impressed thereon."

This law, it would seem, is being continually and persistently violated, for the reason that the "other expenses connected therewith" in the sales of stamped envelopes does not include the cost of delivery. The Post Office Department estimates that less than 100,000 corporations, firms, and business men are customers of this favored free subsidy, which is less than one-half of 1 per cent of the general public using stamped envelopes of all kinds. We believe this an inexcusable subsidy for that portion of the public which is best able to pay for what they get, and the better they can afford to pay, the greater is their benefit by this subsidy, and by just as much as this is a benefit to them, by just so much is this a burden upon the consumers of all stamped envelopes and upon the tax bearers of the country, for it is they who must support the postal service.

The manufacture, printing, and sale of individually printed stamped envelopes can not be restored to the allied printing, publishing, and paper trades of the country where, as the Post Office Department has admitted "it belongs," unless some one pays for the printing, the distribution, the selling, and the sales promotion generally which are now done free. Any business man who is not willing to pay a fair competitive price for his individually printed stamped envelopes ought to urge the passage of this bill, and frankly give as his reason that he wants to continue to enjoy this Government subsidy which so preponderating a proportion of his fellow business men and the public generally have to pay for in order that he may enjoy it.

We believe the practice of the Post Office Department has built up a monopoly in stamped envelopes. At present there is no competition in bidding for this Government contract, and we believe this affords the best illustration of the eagerness and the power of special privilege to perpetuate itself possibly that could be. We believe the practice of the Government is an outrage and is robbing newspapers and printers of much that is due them, and that this wrong should be righted.

Thanking you for anything which you may do of benefit to the printing and publishing business, of which we are representatives, and that we can count upon your assistance in favor of the Nelson-Tou Velle bill, we subscribe ourselves as follows:

Mr. BURKETT presented a petition of the Central Labor Union of Omaha, Nebr., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. WETMORE. I present a memorial of members of the House of Representatives of the State of Rhode Island and Providence Plantations, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NEWPORT, R. I., *February 6, 1911.*

DEAR SIR: We, as representatives of the fishing interests in and about Newport, as also vessel owners, producers and handlers of fish in this vicinity, wish to call to your attention the fact that the said fishing interests in and about Newport are heartily in sympathy with the people of Gloucester in their effort to defeat the free fish schedule included in the recent reciprocity agreement between Canada and the United States, and will do all in their power to assist them in preventing the proposed agreement in regard to free fish from being enacted into law.

The interests which we represent would respectfully request that you use all your influence on the floor of the Senate to defeat this section of the proposed agreement.

Very respectfully, yours,

FLETCHER W. LAWTON,
HENRY L. LITTLEFIELD,
HENRY C. WILCOX,
*Members of the House of Representatives*
*of the State of Rhode Island and Providence Plantations.*

Hon. GEORGE PEABODY WETMORE,
*United States Senate, Washington, D. C.*

Mr. BOURNE. I present a telegram from the secretary of the Oregon Wool Growers' Association, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

PENDLETON, OREG., *February 8, 1911.*

Hon. JONATHAN BOURNE,
*United States Senate, Washington, D. C.:*

Under pending reciprocity treaty with Canada sheep are placed on free list, dressed meats taxed 1½ cents per pound. This protects packers, but not consumer or sheep breeder. If Canadian sheep are admitted free, they will bring millions of pounds of free wool with them. Oregon Wool Growers' Association protests most vigorously against admission of free sheep from Canada.

DAN P. SMYTHE, *Secretary.*

Mr. FLINT. I present a telegram from the Legislature of the State of California, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *February 8, 1911.*

Hon. FRANK P. FLINT,
*United States Senator from California,*
*Washington, D. C.*

SIR: I am hereby directed to transmit the following joint resolution passed unanimously this 8th day of February, 1911:

"Senate joint resolution 17, introduced by Senator Stetson, relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

"Whereas there is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators; and

"Whereas the people of the State of California have already indicated a desire to elect United States Senators directly: Now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California jointly,* That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution and the Senate of the United States to pass the same; and be it further

"*Resolved*, That the secretary of the senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate."

WALTER N. PARRISH,
*Secretary of Senate.*

Mr. LODGE. I present telegrams in the nature of memorials from the master and executive committee of the Massachusetts State Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorials were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WESTFIELD, MASS., *February 5, 1911.*

Hon. HENRY CABOT LODGE,
*United States Senate, Washington, D. C.:*

Massachusetts State Grange earnestly protests against Canadian reciprocity treaty. Massachusetts farmers very strongly opposed. Letter follows.

CHAS. M. GARNER,
*Master Massachusetts State Grange.*

STURBRIDGE, VIA WORCESTER, MASS.,
*February 5, 1911.*

Hon. HENRY CABOT LODGE,
*United States Senate, Washington, D. C.:*

The farmers need your support. We oppose the present plan of reciprocity with Canada.

GEORGE S. LADD,
*Chairman Executive Committee, Massachusetts State Grange, for the Committee.*

Mr. LODGE. I present a memorial of the Board of Trade of Provincetown, Mass., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas a commission has been appointed by the Government of the United States and the Dominion of Canada to formulate a treaty of reciprocity between the said countries; and

Whereas there is a great likelihood that by the terms of this treaty the duties on fish imported from Canada into this country will be reduced; and

Whereas everything that enters into the manufacture and production of our fish products is highly protected; and

Whereas the profits on our fish products are too small to enable us to successfully compete with our Canadian neighbors if the duty on fish and fish products is reduced, for the reason that labor costs are so much lower in Canada than in this country, and also for the reason of the nearness of the fishing grounds to Canada: Therefore be it

*Resolved*, That the Provincetown Board of Trade in meeting assembled, believing that the reduction of duties on fish or fish products from Canada into the United States would be ruinous to the fishing industry and to the town of Provincetown as a whole, do hereby protest against any reduction of the present duty on any kind of fish or fish products brought into the United States from Canada, and we urge the United States Government to take such action as will prevent the ratification of a treaty of reciprocity containing any clause, schedule, or section that will reduce the existing duties on fish or fish products; and it is

*Further resolved*, That a copy of this resolution be sent to the Senators and Congressmen from Massachusetts at Washington and that they be urged to use their utmost endeavors to prevent any action which would mean the ruin of the only industry of Provincetown.

Adopted January 30, 1911.

PROVINCETOWN BOARD OF TRADE,
J. F. SNOW, *Secretary,*
Per P. A. WHOLF.

Mr. LODGE. I present a resolution adopted by the National Grange, Patrons of Husbandry, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Hon. HENRY CABOT LODGE,
*1765 Massachusetts Avenue, Washington, D. C.:*

The National Grange earnestly protests against Canadian reciprocity bill, which puts farm products on free list, while making practically no reduction in high tariff on manufactured articles. Bill subjects our farmers to unfair competition of cheap Canadian farm lands. Will greatly injure farming industry. Will increase farm values in Canada and reduce value of farms in this country. Farmers unanimously opposed to bill.

M. J. BATCHELDER,
AARON JONES,
T. C. ATKESON,
*Legislative Committee National Grange, Concord, N. H.*

Mr. SCOTT presented a petition of Kelly Post, No. 111, Grand Army of the Republic, Department of West Virginia, of Kingwood, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BORAH presented a memorial of sundry citizens of Carey, Idaho, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a petition of the North Dakota Press Association and the Ben Franklin Club of North Dakota, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Forks, York, Fargo, Inkster, Bottineau, and Crary, all in the State of North Dakota, praying that an investigation be made into the affairs of all wireless-telegraph companies in the United States, which were referred to the Committee on Commerce.

Mr. GAMBLE presented a petition of Local Lodge No. 1415, Modern Brotherhood of America, of Brookings, S. Dak., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry Irish-American citizens of Bridgeport, Conn., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. WATSON presented a petition of Reno Post, No. 7, Grand Army of the Republic, Department of West Virginia, of Grafton, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of C. C. Martin & Co., of Parkersburg, W. Va., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. PILES presented a petition of Washington Camp No. 1, Patriotic Order Sons of America, of Tacoma, Wash., and a petition of the Washington State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented petitions of Federal Labor Union, Local No. 12868, American Federation of Labor, of Bedford; of Local Council No. 14, Junior Order of United American Mechanics, of Dunkirk; and of the South Bend Central Labor Union, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. TILLMAN presented a petition of sundry employees of the United States navy yard at Charleston, S. C., praying for the enactment of legislation providing for an increase of 25 per cent in the salaries of classified employees at the navy yards and naval stations of the United States, which was referred to the Committee on Naval Affairs.

Mr. RAYNER presented a memorial of the Sandy Spring Monthly Meeting of Friends of Maryland, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of Arundel Council, No. 155, of Odenton; Wabash Council, No. 73, of Baltimore; of Evening Star Council, No. 3, of Hillsdale, all of the Junior Order United American Mechanics; of Washington Camps Nos. 17, of Frederick; 48, of Stevensville; and 67, of Baltimore, all of the Patriotic Order Sons of America; and of Golden Rule Council, No. 65, Daughters of America, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

Whereas we believe it to be the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the Nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now, therefore, be it

*Resolved (the house of representatives concurring)*, That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands

embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana.

*Resolved further*, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved, January 23, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 23, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 1, relating to the opening of the Crow Reservation for settlement, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 23d day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. CARTER. I present a joint memorial of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

Whereas the settlers under the Lower Yellowstone project, Montana and North Dakota, executed and delivered to the Lower Yellowstone Water Users' Association, a corporation, a contract subscribing for stock in said corporation, which empowered such corporation, under the directions of the Secretary of the Interior, to sell their homesteads unless the owners make application for water rights, and comply with the provisions of the act of Congress of June 17, 1902, and that such contracts were executed with the understanding that the cost of the project to them should not exceed $30 per acre of their holdings; and

Whereas the cost of construction of said project has exceeded the original estimated cost $750,000, increasing the cost thereof to the settlers to $42.50 per acre; and

Whereas five years' time is required for a settler to level and fit his homestead for successful irrigation and the profitable production of crops thereon, so as to enable him to make the required annual payments of maintenance and cost of construction therefrom; and

Whereas the settlers of the Lower Yellowstone project experienced severe crop failure during the past season, the land returning in many instances less than the seed, and many of said settlers are in straitened financial condition; and

Whereas the banks and merchants along the Lower Yellowstone project are unable to advance further credit to said settlers; and

Whereas it is entirely impossible for said settlers to pay to the Government the annual installments for construction until they are able to take the same from the soil; and

Whereas many settlers, prior to the initiation of said project had secured from the Government tracts of land embracing more than 80 acres, and the Secretary of the Interior, by his ruling, has required such settlers to reduce their holdings to 80-acre tracts, the same being adopted as the farm unit under said project by him, which said ruling the said settlers denounce as unjust and demand that the same be abrogated: Now, therefore, be it

*Resolved (the house concurring)*, That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation at as early date as possible, providing that the settlers under said Lower Yellowstone project shall not be required to pay any installment upon the cost of construction of said project before the 1st day of December, 1914, and that upon said date the first annual installment therefor be required, and that thereafter the annual installments upon the cost of said construction shall be payable on or before the 1st day of December of each year until said cost is fully paid; that the payment of maintenance charges, including those now accrued, shall not be required until the 1st day of December, 1911, when a payment of $1 per acre be required, and that thereafter the annual charge of $1 per acre for maintenance be required, to be paid upon the 1st day of December of each year; and that said legislation shall provide, further, that such settlers under said project, who acquired from the Government, prior to the institution thereof, tracts of land embracing more than 80 acres of land, be permitted to hold the same under the project, not exceeding 160 acres each, and be enabled to acquire water rights thereunder for the whole of such holdings:

*Further resolved*, That a copy of this memorial be forwarded by the secretary of state to the President of the United States, and the Secretary of the Interior, and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved January 23, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 23, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of Senate joint memorial No. 2, petitioning Congress to relieve settlers of the Lower Yellowstone project in Montana and North Dakota, enacted by the Twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. CARTER. I present a joint resolution of the Legislature of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint resolution 3.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

Whereas it was the manifest intention of Congress when the Territory of Montana was admitted into the Union as a State to set aside and donate public lands to aid in the establishment of all public institutions, following a long-established precedent; and

Whereas it is the desire of the people of the State of Montana to establish a hospital for the care and treatment of indigent persons in said State who are suffering from tuberculosis: Now, therefore, be it

*Resolved*, That we, your memorialists, petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the State of Montana 50,000 acres in aid and on account of such hospital; be it further

*Resolved*, That the secretary of state be, and he is hereby, instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our Senators and Representatives in Congress.

W. W. MCDOWELL, *Speaker of the House.*
W. R. ALLEN, *President of the Senate.*

Approved January 24, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 24, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint resolution 3, petitioning Congress to donate land in aid and on account of a hospital for the care and treatment of tubercular patients, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 24th day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 24th day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

## REPORTS OF COMMITTEES.

Mr. LODGE. From the Committee on Finance, I report back with amendments the bill (H. R. 32010) to create a tariff board.

Mr. BAILEY. Mr. President, in connection with the report which the Senator from Massachusetts has just submitted, I desire to say on behalf of my Democratic associates on the Finance Committee that we do not agree to the report of that committee, and we have reserved the right to offer amendments to the bill and to resist it in all proper ways.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 30727) providing for the sale of certain lands to the city of Buffalo, Wyo. (Rept. No. 1119);

A bill (H. R. 23827) extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation, in Wyoming (Rept. No. 1120); and

A bill (H. R. 25234) authorizing the issuance of a patent to certain lands to Charles E. Miller (Rept. No. 1121).

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (S. 10208) authorizing the resurvey of certain lands in the State of Wyoming, reported it with amendments and submitted a report (No. 1122) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the bill (S. 9889) providing for the reimbursement of certain employees of the Lighthouse Service for relief furnished to shipwrecked persons, reported it without amendment and submitted a report (No. 1123) thereon.

Mr. FLINT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31353) for the relief of F. W. Mueller (Rept. No. 1124); and

A bill (S. 5583) to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel Forest Reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act (Rept. No. 1125).

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (S. 9819) granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California, reported it with an amendment and submitted a report (No. 1126) thereon.

Mr. DEPEW, from the Committee on Commerce, to which was referred the bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31860) permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota;

A bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.;

A bill (H. R. 31922) to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.; and

A bill (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31648) to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn. This House bill, now favorably reported, is identical with Order of Business No. 953 on the calendar, being the bill (S. 10375) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn. I ask that the House bill may take the place of the Senate bill on the calendar, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed, and the House bill now reported will take the place of the Senate bill on the calendar.

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 31649) to authorize the County of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, Tenn., and I ask that a similar substitution be made for Order of Business No. 948 on the calendar, being the bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn., and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. WATSON, from the Committee on Indian Affairs, to which was referred the bill (S. 10530) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, reported it with an amendment and submitted a report (No. 1127) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., reported it without amendment and submitted a report (No. 1128) thereon.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 21965) for the relief of Mary Wind French, reported it without amendment and submitted a report (No. 1129) thereon.

Mr. BOURNE, from the Committee on Commerce, to which was referred the bill (S. 9892) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property, reported it without amendment and submitted a report (No. 1130) thereon.

He also, from the same committee, to which was referred the following bills, reported them each without amendment:

A bill (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill.; and

A bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

Mr. GAMBLE, from the Committee on Public Lands, to which was referred the bill (H. R. 27069) to relinquish the title of the United States in New Madrid location and survey No. 2880, reported it without amendment and submitted a report (No. 1131) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 1132) thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths, to report it with the recommendation that that committee be discharged from its further consideration and that it be referred to the Committee on Public Lands, the Hot Springs Reservation not being a military reservation.

The VICE PRESIDENT. Without objection, the request of the Senator from Wyoming will be complied with.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, reported it without amendment.

Mr. STONE, from the Committee on Commerce, to which was referred the bill (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals, reported it without amendment.

Mr. JONES, from the Committee on Industrial Expositions, to which was referred the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal., reported it without amendment and submitted a report (No. 1133) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (S. 9891) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis., reported it without amendment and submitted a report (No. 1134) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes, reported it without amendment.

Mr. FLINT, from the Committee on Public Lands, to which was referred the amendment submitted by Mr. NIXON on the 3d instant, relative to arid lands in the State of Nevada, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

### WILLAMETTE RIVER BRIDGE, OREGON.

Mr. MARTIN. From the Committee on Commerce I report back favorably with amendments the bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg., and I submit a report (No. 1118) thereon. I call the attention of the Senator from Oregon [Mr. BOURNE] to the bill.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 3, line 8, to strike out "ninety-six" and insert "ninety-three;" in line 9, after the words "low-water mark," to insert the words "city datum;" and after the word "city," at the end of line 17, to insert the following proviso:

*Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

So as to make the bill read:

*Be it enacted, etc.*, That the city of Portland, in the county of Multnomah, State of Oregon, is hereby fully authorized and empowered to construct and build a bridge to be known as the Broadway Bridge, with appropriate approaches and terminals with a clearance of not less than 65 feet above high-water mark and not less than 93.13 feet above low-water mark, city datum, across the Willamette, a navigable river, in said city, substantially as follows, to wit: From Broadway Street at or near its intersection with Larrabee Street on the east side of said river, and following the line of Broadway Street extended westerly in its present course to a point at or near its intersection with Seventh Street on the west side of said river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets in said city: *Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That any irregularities in the passage of the amendment to the charter of said city known as section 118½ and any errors or irregularities in the issuance of said bonds due to a lack of authority from

Congress to build said bridge are hereby cured, and the issue of said bonds, both before the passage of this act and afterwards, are hereby fully authorized, ratified, and confirmed so far as a lack of authority from Congress to build such bridge is concerned.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee report in favor of striking out the preamble. Without objection, the preamble will be stricken out.

STEAM YACHT "DIANA."

Mr. MARTIN. From the Committee on Commerce I report back favorably without amendment the bill (S. 9437) to provide American register for the steam yacht *Diana*, and I submit a report (No. 1117) thereon.

Mr. KEAN. That is a brief bill of about eight lines. I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Commissioner of Navigation to cause the steam yacht *Diana*, wrecked and repaired in the United States, and owned by C. Ledyard Blair, a citizen of the United States, residing at Peapack, N. J., to be registered as a vessel of the United States; but the vessel shall not at any time hereafter engage in the coasting trade, under penalty of forfeiture.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC ORDER IN OKLAHOMA.

Mr. THORNTON. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 29300) authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic order in Oklahoma, and I submit a report (No. 1113) thereon. I ask unanimous consent that the bill may now be considered. The accompanying report sets forth a letter from the Secretary of the Interior recommending the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of the State of Oklahoma 90 days' preference right, after the passage of the act, to purchase at its appraised value the southwest quarter of the northwest quarter of section 13, township 13 north of range 8 west of the Indian meridian, in the State of Oklahoma, and directs the Secretary of the Interior to appraise, sell, and convey by patent the tract of land on such terms and conditions as he deem proper, requiring at least 20 per cent of the purchase price to be paid in cash.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIDS TO NAVIGATION ALONG LIVINGSTONE CHANNEL.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably without amendment the bill (S. 10690) providing for aids to navigation along the Livingstone Channel, Detroit River, Mich., and I submit a report (No. 1115) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of Commerce and Labor to establish and provide such lights and buoys as may, in his judgment, be necessary to properly mark the Livingstone Channel in the Detroit River, Mich., at an expense not to exceed $210,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAJI BIN YDRIS.

Mr. KEAN. From the Committee on Claims I report back favorably without amendment the bill (S. 1031) for the relief of Jaji Bin Ydris, and I submit a report (No. 1114) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the bill. It will cost more to print it on the calendar than to pass it.

Mr. WARREN. It is a small matter, and I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Jaji Bin Ydris, of Jolo, island of Sulu, P. I., $537.40, as compensation for loss of his boat, the *Panco*, and her cargo by reason of a collision with the U. S. launch *Ogden* on the night of November 29-30, 1900, off Pilas Island, P. I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAINY RIVER IMPROVEMENT CO.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., and I submit a report (No. 1116) thereon. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. I ask the Senator from Minnesota how long is his bill?

Mr. NELSON. It is a very short local bill. It will take but a minute.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. BEVERIDGE. I shall not object to the consideration of this bill, but I now serve notice that hereafter during the morning business—not during the morning hour, but during the morning business—in the present state of the business of the Senate, I shall object to the consideration of any other bill. I shall not, however, object to the consideration of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Rainy River Improvement Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate a dam across the outlet of Lake Namakan at Kettle Falls, in St. Louis County, Minn., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RIVER BRIDGES.

Mr. FRYE. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, to report it back with an amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the Metropolitan Park Commission or any town or city, or any other public body authorized by the State of Massachusetts, all or any of them, be, and they hereby are, authorized to construct, at any time hereafter, drawless bridges across the Charles River in the State of Massachusetts connecting River Street in Cambridge and Cambridge Street in the Brighton District, so called, of Boston, and at any other points upon said river at, near, or above said Cambridge and River Streets: *Provided*, That said bridges shall be at least 12 feet above the ordinary level of the water in the basin over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the Secretary of War shall approve: *Provided further*, That the State of Massachusetts shall, within a reasonable time after the completion of said bridges, or any of them, by legislative enactment, provide for adequate compensation to the owner or owners of wharf property now used as such on said river above any of said bridges for damages, if any, sustained by said property by reason of interference with access by water to said property now enjoyed because of the construction of said bridges without a draw. Except as inconsistent herewith, this act shall be subject to the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRAZIER:

A bill (S. 10732) for the relief of David F. Wallace; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 10733) to extend the time to construct a dam across the Mississippi River by the St. Cloud Electric Power Co. (with accompanying paper); to the Committee on Commerce.

By Mr. MARTIN:

A bill (S. 10734) to inhibit and punish the stealing of freight or express packages or baggage in process of transportation on interstate shipment, and felonious asportation of the same into

another district of the United States, or the felonious reception of the same; to the Committee on the Judiciary.

By Mr. THORNTON:

A bill (S. 10735) for the relief of the heirs or estate of Laura Lane Gibson, deceased (with accompanying paper);

A bill (S. 10736) for the relief of the heirs or estate of J. Ursin Broussard, deceased (with accompanying paper);

A bill (S. 10737) for the relief of the heirs or estate of Pierre Cormier, deceased (with accompanying paper);

A bill (S. 10738) for the relief of the heirs of Jean Southene Mouton, deceased (with accompanying paper); and

A bill (S. 10739) for the relief of Theophile Pann (with accompanying paper); to the Committee on Claims.

By Mr. DU PONT:

A bill (S. 10740) granting an increase of pension to Frances Doherty (with accompanying papers); to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10742) to provide for the construction of a landing place in the national harbor of refuge, Point Judith, R. I., in the shelter created therefor pursuant to the acts of Congress; to the Committee on Commerce.

A bill (S. 10743) for the relief of William P. Drummon; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 10744) to provide for the purchase of a site for the erection of a public building thereon at Sundance, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND:

A bill (S. 10745) for the relief of Scott P. Stewart and Andrew J. Stewart, jr.; to the Committee on Claims.

A bill (S. 10746) granting a pension to Caroline Banks; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 10747) to increase the limit of cost for the erection of the United States post-office and courthouse buildings and acquisition of additional ground at Parkersburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. BURTON:

A bill (S. 10748) for the relief of John L. Smith and others (with accompanying paper); to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 10749) granting a pension to John Waalkes; to the Committee on Pensions.

### POPULAR SUBSCRIPTIONS TO CONGRESSIONAL RECORD.

Mr. HEYBURN. I introduce a bill, which I send to the desk, and ask that it be read the first and second time, and then that it lie upon the table. I ask that it be read at length.

The bill (S. 10741) to authorize popular subscriptions at all post offices for the CONGRESSIONAL RECORD, and for publishing and mailing same, was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That the Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1911, rules and regulations to enable all postmasters in the United States at all post offices to receive popular subscriptions for the daily CONGRESSIONAL RECORD, at the price of $1 per year, and report the said subscriptions and the amount received therefor to the Public Printer.

SEC. 2. That when such subscriptions shall reach 1,000,000 the Public Printer is hereby authorized to publish a sufficient number of copies of the CONGRESSIONAL RECORD to supply all such popular subscriptions made and prepaid as aforesaid, and to send the said CONGRESSIONAL RECORD through the mails to such subscribers free of postage.

The VICE PRESIDENT. The bill will lie on the table.

Mr. HEYBURN subsequently said: I move that the bill introduced by me this morning to authorize popular subscription at all post offices for the CONGRESSIONAL RECORD, and for the publishing and mailing of the same, which was ordered to lie on the table at my request, be taken therefrom and referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 for the purchase of land in the District of Columbia, known as Graceland Cemetery, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $25,000 for the survey of the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

### TARIFF BOARD.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 32010) to create a tariff board, which was ordered to lie on the table and be printed.

### GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. Res. 341), which was considered by unanimous consent and agreed to:

*Resolved*, That the authority heretofore vested in the Committee on the District of Columbia by Senate resolution of February 20, 1909, directing the said committee to examine into matters relating to the District of Columbia, is hereby continued, and the said committee is hereby directed to pursue its investigations during the Sixty-second Congress.

### ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

### PUBLICATIONS OF FRATERNAL SOCIETIES.

Mr. PENROSE. I have a communication from the Postmaster General reciting his objections to the bill known as the Dodds bill, admitting to the mails publications of fraternal societies as second-class matter. In view of the very wide spread interest in this measure, I ask that the communication be printed as a Senate document (S. Doc. No. 815).

The VICE PRESIDENT. Without objection, that order will be made.

Mr. PENROSE. In view of the thousands of persons who are either for or opposed to this measure, I submit a resolution for the printing of 25,000 additional copies, and ask that it be referred to the Committee on Printing.

There being no objection, the resolution (S. Res. 340) was read and referred to the Committee on Printing, as follows:

*Resolved*, That there be printed 25,000 additional copies of Senate document No. 815, Sixty-first Congress, third session, being a letter of the Postmaster General to Hon. BOIES PENROSE, submitting reasons against the passage of the bill (H. R. 22239) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning, or by trades unions, and for other purposes, for the use of the Committee on Post Offices and Post Roads.

Mr. SMOOT subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it favorably, without amendment, and it was considered by unanimous consent and agreed to.

### ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BRISTOW. Mr. President, the amending of the Constitution so as to provide for the election of Senators by a direct vote of the people instead of by the State legislatures has been under consideration at various times by the Senate for over half a century. So extensive has been the debate upon the subject that it is difficult to contribute anything new to the discussion. I shall not undertake an elaborate historical presentation of the question. Most exhaustive speeches have been made in this Chamber upon other occasions by such distinguished Senators as Hoar, Turpie, and others. They have illumined the subject with their great learning, and from their respective viewpoints have covered it with completeness; and at this session very able and learned addresses have been made by the junior Senator from Idaho and the senior Senator from Massachusetts. While I can not hope to add anything new to the discussion, however I feel impelled to call the attention of the Senate to the wide difference between the conditions that prevailed in this country at the time the Constitution was adopted and those that prevail to-day.

Stripped of every subterfuge, the burden of all the speeches that have been made against this proposition is that the American people as a whole are not capable of wisely selecting the men who shall represent them in the upper branch of the National Legislature. Various pretexts are resorted to in an effort to produce arguments against this amendment without definitely making such a statement, but the ultimate analysis of

every speech that has been made against this proposition is that the people as a whole have not that calm temperament and intelligent judgment necessary to enable them wisely to select their Senators.

PRESIDENT, IN FACT, ELECTED BY DIRECT VOTE; WHY NOT SENATORS?

As to that, I take sharp and decisive issue with the opponents of this resolution. It was the opinion of many of the Revolutionary fathers that the people could not safely be trusted to elect by a direct vote Members of both branches of the Congress and the President. The result was provision for the election of Members of the House of Representatives by a direct vote, the Senate by the various State legislatures, and an electoral college composed of distinguished citizens chosen by the people of the various States was created, and upon this college was placed the responsibility of electing our Presidents. This body of distinguished men was to stand between the President and the direct expression of the popular will. Every man must admit that this plan for the election of President was a failure. It has been nullified by the evolution of our political institutions. The people to-day, in fact, elect their President by a direct vote. If asked to name the electors for whom he voted in the last presidential election, there is not one Senator in five in this Chamber who could do it, and there is not one voter in a thousand, in the majority of the States, who could name them; but 999 voters out of every 1,000 could name, without hesitation, the man for whom they voted for President. No one would presume to declare that if the electors chosen at the presidential elections had assembled in conventions and chosen our Presidents as it was originally intended that they should do, that we would have secured better men for that great office than those who have held it. The intrigue and corruption that would have developed in such conventions is beyond our comprehension and, in my judgment, before this would have threatened the life of the Republic. The people, however, by a gradual evolution have nullified this provision of the Constitution.

Now, on a given day, quietly and without excitement, millions of American citizens choose their executive ruler for a period of four years, by what is in fact a direct vote, and the decision of the majority is accepted without protest by the entire population. The quiet and orderly way by which the people of this mighty Nation, with its widely extended territory exalt one of their number into, and depose another from, the most powerful political position among men, is the greatest tribute that could be offered to the patriotism and stability of character of the American citizen. If the people are capable of electing their Presidents by direct vote, as in fact they do, are they not capable of electing their Senators? Is that task more perplexing? Are the qualifications necessary for Senators more difficult for the average citizen to comprehend? This, certainly, no one will claim, yet every argument that has been offered against this resolution can lead to no other conclusion.

MEMBERS OF LEGISLATURES HAVE VARIOUS DUTIES.

Fortunately, the electoral college was charged with no other duty than the selection of a President, and the people soon relieved it of that responsibility, and it has become simply a returning board to record the will of the people as directly expressed. But members of the various State legislatures have numerous duties other than the election of Senators to perform, so that they can not be selected wholly because of their attitude toward candidates for the senatorship. If they had not been charged with such other duties they would long since have been relieved by the people of the responsibility of electing Senators, just as the electoral college has been relieved of the responsibility of electing Presidents. As it is, however, some members of the legislature are elected on account of their attitude toward certain candidates for the Senate, others because of the local interest a constituency may have in State legislation, and others because of general political conditions. The result is that when the assembly meets to select a Senator, unless some plan has been provided by the State for the people to express their choice, a general scramble occurs in which all the passions of ambition, greed, and avarice are turned loose in a contest to determine who shall receive this great official prize.

CORRUPTION FRUITAGE OF PRESENT SYSTEM.

Delays in election, deadlocks, and loss of representation by the States frequently occur. During the last 20 years there have been 14 vacancies in the Senate, some of them covering a period of several years, because of the failure of legislatures to elect. Frequently shocking scandal and flagrant bribery are the fruitage of these controversies. Corruption and bribery in senatorial elections have become more prevalent as the commercial interests of the country have grown. The story of the Illinois election that has resulted in the investigation now before this body is shocking to the sense of decency of every Senator here, yet it is but a sample of the legislative debauchery that has occurred in recent years in numerous senatorial elections. During the last 40 years the Senate has had under consideration 15 cases where corruption was charged in the election of Senators, while during the preceding 84 years of our history there had been but one such case. This plainly demonstrates that the system adopted by the framers of the Constitution worked well until radical changes occurred in our industrial and commercial life, but that under present conditions it is breaking down and corruption is growing. I do not claim that the election of Senators by a popular vote will wholly eliminate corruption and dishonesty from such elections, but I do maintain that it will reduce it to a minimum. The great power of the position, the dignity of the high office, and the wide influence that a Senator may acquire make a seat in this body exceedingly attractive to men of public spirit and ambition. The power and character of the office are such as to make it a possible source of great value to those connected with large commercial and industrial concerns. The result is that men are frequently elected to seats here not because of their great learning or distinction in the public service, but because of their connection with certain financial, industrial, or commercial concerns that seek to profit by the legislation of Congress. Under these conditions it is but natural that seats in this body should be sought with great eagerness and that the present system by which a few men are able to determine who shall have such seats should produce corruption. That this corruption is increasing as the commercial spirit of the Nation grows, no man can deny. I state, therefore, without hesitation, that the integrity of our political institutions demands a change in the method of electing Senators.

MARVELOUS CHANGES IN CONDITIONS.

We are warned not to depart from the wisdom of the fathers by changing the manner of choosing the Members of this body. Such an argument in the light of modern development is without weight. The conditions that exist in the United States to-day are vastly different from those that prevailed when the Constitution was framed. In 1790 there were but 75 post offices in the United States, or one post office for every 52,000 people, while to-day we have in round numbers 60,000 post offices, or one post office for every 1,500 people. Then there was no free delivery in either city or country. There was not a single letter carrier on the continent; now there are 1,500 cities with free delivery, and over 28,000 city letter carriers deliver the mails to the homes of our urban population, and there are more than 40,000 rural carriers traveling 1,000,000 miles a day delivering letters, newspapers, and periodicals to the rural population. Then the postage on a four-page letter from Washington to Boston was $1; now you can send that same letter from Porto Rico to Manila, over 12,000 miles, more than half way around the globe, for 2 cents. At that time there were but 103 newspapers and periodicals published in the United States, and the circulation of none of them exceeded 1,000 copies. The average circulation was less than 500, and there was but one publication for every 38,000 people. Now there are 22,600 newspapers and periodicals, with an average circulation of more than 6,000. Then there was published but one copy of a newspaper or periodical per week for each 50 of our population; now there are four copies per day for every family. Such a state of society as we now enjoy was not within the wildest dreams of the most ardent enthusiasts among the founders of the Republic. Yet Senators tell us that to change the details or the manner of electing Senators is to reflect upon the wisdom of the forefathers. Mr. President, I join with the Senator from Massachusetts in paying high tribute to the great wisdom and patriotism of the framers of the Constitution. He can not hold them in deeper reverence than I, though his great learning enables him to express that reverence in more eloquent phrases. But, while I join him in paying tribute to the wisdom of the Revolutionary fathers, I regret that he refuses to join me in expressing confidence in the judgment and wisdom of the people of our own times. Without reflecting in the slightest degree upon the ability of the Members of Congress in any other age of our country's history, I assert that the average American citizen to-day has a better education, is more thoroughly informed on public questions, has a keener sense of the responsibilities of citizenship, and is better equipped to pass judgment as to the wisdom of governmental policies than was the average Member of the House of Representatives a century ago. Then a college graduate in a community was a rare and distinguished individual. There were but few of them among our people. Now they are to be found by the dozen in almost every township. Our colleges and academies to-day are not only equipping men for the professions, but are preparing them by the thousands

for the responsibilities of citizenship. This the conditions of the times demand. Yet Senators upon this floor contend that the same method of selecting Senators that was thought wise and desirable then should be continued now.

For the first half century of our history the greed of commercialism, except as it related to the slavery question, was not developed; now it is a menace to the country's welfare. As the commercial spirit developed and opportunities increased to use the power of government to promote the selfish interests of financial and industrial institutions, such concerns became more anxious to control the Senate. This has brought about the numerous legislative scandals that have occurred in recent years, and such scandal not only will continue but will increase until there is a change in the method of electing Senators.

SHOULD CHANGE METHODS OF ELECTING DELEGATES TO NATIONAL CONVENTIONS.

In this connection I desire to say that not only do I believe that the people should be given the opportunity to vote direct for their Senators and to elect them in the same manner as they elect their Congressmen and governors, but I believe that all delegates to our national conventions should be elected by a direct primary, and that on the primary ballot the voter should express his first and second choice for the nominees of his party. It then would be the business of the national conventions to carry out the will of the people as expressed in the primary election. The expression of a second choice, to show the general preference of the people of a State that might have a "favorite son" as a candidate, is necessary in order that the choice of the people independent of local favor may be ascertained. It has become customary for national conventions to be made up of a large number of Federal officeholders who want to perpetuate themselves in official power, or to be composed of ambitious men who hope to secure the Federal offices. In addition to these two classes there are a number of commanding delegates who represent the powerful financial and commercial institutions of the country, and who are there to look after the interests of such institutions. Trusts and combinations representing great transportation and industrial companies seek to control the State and national conventions of both the great political parties, and if they succeed it makes little difference to them how the election goes or which side wins. Their representatives contribute generously to both campaign committees, and because of such contributions expect to secure certain appointments and also to control the legislation in which they are concerned. These selfish financial interests are exceedingly anxious, first, to control the appointment of Federal judges; second, to shape the laws which affect their interests; and, third, to control the appointment of the executive officers who are to administer those laws.

COMBINATIONS OF WEALTH USE POWER TO ENRICH THEMSELVES.

Mr. President, these great combinations of wealth, under the system that now prevails, have acquired too much power in the affairs of this Government, and they have used that power to enrich themselves at the expense of the general public. Unless a change is made, not only in the method of electing Senators, but also in the manner of selecting delegates to the national conventions, the rising tide of unrest and dissatisfaction that prevails throughout the country to-day will rapidly increase. Men will not become less greedy for wealth and power. The great financial interests will not abate their efforts to control, not only the business, but the politics of the country.

The Senator from Massachusetts declared that the political power of gigantic combinations of wealth had been broken, and that they are no longer endeavoring to control the politics of the country. How can the distinguished Senator entertain such a delusion when at this very hour there are in a number of States deadlocks in pending senatorial elections, caused solely by the dogged and persistent determination of certain powerful financial interests to control the election of Senators from those States. There never has been a time when these interests were more vigilant and grasping for political power and dominion than now.

Sir, I believe we are approaching a crisis, not only in our commercial and industrial life, but in our political affairs as well. The development of modern times has made it necessary to place more power directly into the hands of the people, that they may not only protect the man of small business from the greed of his great and powerful competitor, but that they may also protect the integrity of our political institutions.

AM NOT AFRAID OF THE MOB.

We are warned by those who oppose this resolution that by this change in the manner of electing Senators we will make them responsible to the will of the mob, and, therefore, subservient to the passion and prejudice of the unthinking masses; that by such a change we will endanger the perpetuity of our institutions. I do not believe it. I am not afraid of the mob. The American people are not controlled by passion or prejudice. They are conservative and cautious; do not welcome change, and cling to precedent. You place in their hands great power, and they will exercise it with deliberation and care.

The stability of a free government depends upon the intelligence and patriotism of its people. It is one of the fundamental laws of human nature that great responsibility not only brings out the best efforts of man, but also develops the conservative elements of his character.

GIVE THE PEOPLE MORE POWER.

Give the people greater power and more direct responsibility for the administration of the Government, and you bring to its institutions the most careful thought and patriotic consideration of the great masses of our population. Gen. Grant has been credited with the statement that all the people know more than any one man. This I believe can be broadened into a declaration that all the people know more than any set of men. The marvelous and unprecedented progress of modern times in every branch of human industry and every line of mental effort has been possible only because the intellect of the race had been unshackled and the mental energies of the entire population brought into action. This Government of ours will be better administered and more wisely governed by inviting every citizen to give his best thought to the solution of its problems. Place greater responsibility for its administration upon the average man, and it will develop in him the highest degree of patriotism. It will place upon him that deep sense of responsibility that goes with ownership. He will feel more that this is his Government, and that he is responsible for the welfare of its institutions. Instead of endangering such institutions it will be their greatest safety. It will intrench them in the affections of an intelligent, patriotic, and devoted citizenship.

Sir, the menace to our country's future is not in the mad fury and passion of the unthinking mob. The mob has no influence with the American mind. It is repulsive to that sense of stability and order which is fundamental in the Anglo-Saxon's nature. Our menace is not the mob, but the greed and avarice of men who seek to control legislation for personal gain. Resentment against the injustice and tyranny of the trusts and the combinations of modern commercial life is far more dangerous to the welfare of this Republic than the action of an unthinking or turbulent spirit.

HAVE FAITH IN THE PEOPLE.

Every great revolution among the nations of the earth has been the fruit of unrestrained greed and avarice. It was the greed and avarice of the barons that drove Cromwell into rebellion. The injustice and cruelty of the wealthy classes of France brought on the terrible revolution that devastated the most highly cultivated nation among men. It was the greed and avarice of the slave owner that brought on the war of the rebellion. No! our menace is not the mob, but the insatiable greed of modern times for commercial and financial power; and to correct the evils that grow out of this condition we must place more responsibility upon the average citizen, put greater power into his hands, and hold him responsible for the proper exercise of that authority. Mr. President, I believe in the American people. I have confidence in their intelligence. I have faith in their sense of justice, and believe that the institutions of our country are safe in their hands. I repeat the sage observation of the silent hero of Appomattox, "All the people know more than any one man." The greatest statesman of this day is he whose clearness of vision enables him most perfectly to comprehend the ultimate desires and embody in concrete form the high purposes of the great body of the American people. He who shuts his eyes to this fact will fail, for the wisdom of the fireside is the compass by which the mariner must steer our ship of state over the stormy seas of political controversy.

THE QUESTION IS, SHALL THE PEOPLE BE PERMITTED TO SELECT THEIR OWN SENATORS?

While the phraseology of the resolution has been somewhat changed from the form in which I originally introduced it, I do not consider the changes as at all material. Regardless of the wide discussion which has been had on both sides of this Chamber in regard to the changes, I want to say that there is but one important question in this resolution as it is framed now, and that is, Shall the people of this country be given an opportunity to elect their own Senators, or have them chosen by legislatures that are controlled by influences that do not many times reside within the State that those Senators are to represent? I would not say the purpose, but the result of this discussion as to phraseology, as is known to the majority of the Senators who indulge in it, is to cloud the real issues

involved here so as to lead ultimately to the defeat of the resolution.

As I have said, I do not consider the changes as material, and I sincerely trust that it will pass, so that hereafter every Senator who enters this Chamber will come here with a commission direct from the constituency that he is to represent.

RECIPROCAL TRADE AGREEMENT WITH CANADA.

Mr. BEVERIDGE. Mr. President, pursuant to my notice I will submit a few remarks on the subject of the proposed reciprocal trade agreement between this country and Canada.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bacon | Clarke, Ark. | Johnston | Root |
| Bankhead | Crane | Jones | Scott |
| Beveridge | Crawford | Kean | Shively |
| Borah | Culberson | La Follette | Smith, Mich. |
| Bourne | Cummins | Lodge | Smith, S. C. |
| Bradley | Depew | McCumber | Smoot |
| Brandegee | Dick | Martin | Stephenson |
| Briggs | Dillingham | Nelson | Sutherland |
| Bristow | du Pont | Nixon | Swanson |
| Brown | Fletcher | Oliver | Taliaferro |
| Bulkeley | Flint | Overman | Taylor |
| Burkett | Foster | Owen | Tillman |
| Burnham | Frye | Page | Warner |
| Carter | Gallinger | Paynter | Warren |
| Chamberlain | Gamble | Percy | Watson |
| Clapp | Gronna | Perkins | Wetmore |
| Clark, Wyo. | Heyburn | Richardson | |

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Senator from Indiana will proceed.

Mr. BEVERIDGE. Mr. President, shall the United States and Canada begin the policy of mutual trade concession and commercial friendliness? Or shall we make permanent the policy of trade obstruction and commercial hostility between these two countries? These are the real questions which we must answer in dealing with the proposed reciprocity agreement now engaging the attention of both countries.

These are the real questions which we must answer in dealing with the proposed reciprocal agreement now engaging the attention of both the Canadian and American people.

If some think that the agreement is not all that it should be because of the treatment of a few articles, the answer is that even if this objection is sound as to these few details, yet it is negligible when compared with the importance of getting this great national policy established.

As a matter of fact, it will be found that the objection to a few scattered items is not sound; for this is a matter of agreement, and, of course, mutual concessions are necessary. Even so, our Government has done surprisingly well in the concessions it has secured.

If the agreement is enacted into law and proves beneficial to the Nation as a whole, it is certain to be extended as time goes on and the two peoples experience its good effect. If, on the other hand, it should prove harmful to the Nation as a whole, it could and would be repealed quickly. For while this is a reciprocal arrangement, it takes the form of a statute which can be repealed at any time, instead of a treaty, which can not.

Every element of the situation is an unanswerable argument for intimate trade relations with Canada, our closest friend and nearest neighbor. Those elements are peculiar. They exist as to no other country and people in the world. They exist only and exclusively as to Canada and the United States.

Therefore they require a policy as different as that which we apply to other countries as these unique conditions affecting Canada and ourselves are different from those affecting other countries and ourselves.

What are these elements of this remarkable situation? First of all, Canada is immediately contiguous to us. She adjoins us as completely and as intimately as neighboring States of our own Nation join one another. Broadly speaking, she is nearer to us geographically than Florida is to Oregon or California is to Maine.

Thus so connected with us that geographically she is a part of this country and this country a part of Canada, the people of Canada mainly are of our own blood. Both Americans and Canadians speak the same language. Both people have identical institutions. Both have laws springing from a common origin. The spirit and aspirations of both people are the same. In general, the policy and attitude of both countries toward the rest of the world are similar.

Nor is this all. The industrial methods of both people are practically alike. Taking each people as a whole, both of them have similar standards of living. On the average, wages are not widely part.

In short, the general industrial and social conditions of the two countries are as uniform as the same conditions are throughout our own country. In blood, language, institutions, religion, industrial methods, and social customs we are practically one people living on the same soil.

Indeed there are wider industrial and social dissimilarities between some localities of our own country then there are between the Republic and the Dominion, taken as a whole.

If no trade barricade ever had been erected between these two peoples thus situated, and if it were now proposed for the first time to separate us commercially by a tariff wall, does anybody think that such a proposition would receive many votes in either country?

It would be as if some one now were to propose to divide sections of our own country by commercial barriers; for, strictly from the economic point of view, these two propositions are the same.

What would be said if it were proposed to cut off certain sections of the South, whose resources are not exhausted, from certain competing sections of the North, whose resources are running low? What would be said if it were proposed to shut off Alaska from us by a tariff obstruction? Yet there is no difference economically. The only difference is that of our political unity under one flag; and we are now dealing with an economic problem.

But these unique and elemental facts are not all that suggest closer trade relations between Canada and the United States. We have used up our natural resources so rapidly that the belated policy of conserving them has become one of our greatest national anxieties. Perhaps no other single material problem more deeply concerns the great body of our people.

But our immediate neighbors and blood kinsmen on our north have enormous natural resources which as yet hardly have been touched. We need those resources. Our Canadian neighbors are willing to give them to us in exchange for our products, which Canada needs. Why should we make it difficult and expensive to get that which we need and must have and the getting of which will enlarge the markets for our own products?

Our large increase of population and the great proportion of our people engaged in other callings than agriculture has made the cost of living our most vital immediate problem. Sustenance is always the serious question with which a crowded people has to deal; and while we are not yet a crowded people compared with other countries, we are compared with Canada.

Should we not begin to draw upon her supplies? Her production, while large in possibilities, is not yet actually considerable, and therefore will not afford us much relief for some time. But should we not now begin the policy which would make those supplies easily available instead of making permanent that policy which will make Canada's future supplies hard and costly to obtain?

Because Canada's production is yet comparatively small, our free admission of her agricultural products will not affect American farmers; and by the time that Canada's agricultural production has sensibly increased our own and the world's demand for foodstuffs will have so enlarged that the free admission of Canada's food products will leave our farmers in the relative position they now enjoy.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I should like to make this statement as connectedly as possible. Hereafter, as the debate proceeds, if it is convenient to the Senator, I shall be very glad not only to welcome but to invite all interruptions.

Mr. BORAH. I take it, then, that the Senator would rather proceed at this time.

Mr. BEVERIDGE. Yes; unless the question or the interruption would not break what I have tried to make the closely connected thread of the statement. That is all.

Mr. BORAH. My question was directed to the fact as to how we would reduce the cost of living in this country if we did not reduce the price of the products which the farmers are selling?

Mr. BEVERIDGE. The question before us is not only the reduction of the cost of living but, an even more serious question—the prevention of a still further increase in the cost of

living. That is the problem that a farsighted statesmanship must solve.

The startling increase of our Nation and the world's consumption of foodstuffs in comparison and contrast to our Nation's and the world's supply of foodstuffs steadily and rapidly enlarges the universal demand for all our farmers' produce. Of all men, our farmers are in the securest economic position for the future.

But in what position are the remainder of our people? If we reject this reciprocal proposal and resolve to continue and strengthen our policy of trade obstruction as to Canada the future holds an absolute certainty of the increased cost of living to our people as much above what it is now as our present cost of living is above what it was when we had vast areas of free lands, enormous and untouched resources, and a comparatively sparse population.

Some natural and some artificial causes have increased our cost of living. One of the artificial causes has been the cornering of our wheat and other food supplies by mighty financial interests. All of us vividly remember the recent corner in wheat by financial adventurers who speculated on the hunger of the people.

The free admission of food products of Canada will render this commercial brigandage more and more difficult. It will be one strong factor to check the artificial raising of prices, which benefits nobody but the speculator and injures the whole people—farmers as well as artisans.

Canadian reciprocity would steady and regulate prices and do much to end the cruel wrong of cornering the food on which our people live. With Canadian reciprocity the food gambler in the pit would have to corner the products of a continent instead of a country.

It has been said that Canadian reciprocity is contrary to the policy of protection. Some even have said rashly that the proposed agreement will be a death blow to our whole protective system. But neither of these statements is reasonable or true.

The policy of protection grew out of conditions not applicable to Canada. The basic reason for the protective policy was to shield our workingmen from competition with the underpaid labor of overcrowded countries.

Germany, France, Holland, Belgium, and other competing countries were and are packed with struggling masses of laborers. These laborers were paid wages below the amount on which a competing American laborer could exist by our higher standard of living. This was the reason, and the only reason, for the policy of protection.

It was and is wise and sound when applied to overcrowded competing countries filled with surplus labor employed at the lowest rate to which hunger can drive down wages. But this does not and never did apply to Canada.

France has almost 200 people to the square mile; Germany has nearly 300 people to the square mile; England has nearly 400 people to the square mile; but Canada has fewer than two people to the square mile.

Instead of being overcrowded, compared with us, as other countries were and are, Canada is underpopulated. While Canada has fewer than 2 people to the square mile, we have 35 people to the square mile.

This comparatively sparse Canadian population is not underpaid, as are the laborers of others countries. The average wages paid Canadian workingmen, taking the Dominion as a whole, do not greatly differ from the average wages paid our workingmen, taking the Republic as a whole. As I have said, taking the two countries as a whole, the Canadian and American standard of living is practically the same.

So the reason for applying the policy of protection to countries with an oversupply of underpaid labor does not apply to Canada, which has an undersupply of well-paid labor.

We do not need to protect our people from the Canadian people. What we need is to make it easy for Canada freely to buy from us the things she needs and that we produce instead of making it hard for Canada to do so. What we need is to make it easy for our people to buy from Canada those things which our people need instead of making it hard for them to do so, especially when in making it easy for our people to purchase our necessities from Canada we sell to the Canadians our own products that need a market in exchange.

The time has long since passed when our own domestic market sufficed for our manufacturing producers. For years there has been an increasing demand on the part of our manufacturers for foreign markets. Canada in proportion to its population is by far our best, as it is our nearest and most natural, market.

In spite of our protective tariff wall between this country and Canada, which has no basis in the reason for the one we properly erect between this country and overcrowded countries, the fact of propinquity has given us the largest share of Canada's market.

Why should we not increase that share? Why should we not strive to make as easy as possible the access to this our nearest, most natural, and best market? This proposed arrangement begins that common-sense policy.

Mr. DILLINGHAM. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes.

Mr. DILLINGHAM. I should like to inquire of the Senator whether he intends to take this matter up in detail and show us what class of manufactured goods in the United States will receive an increased amount of trade by reason of this agreement.

Mr. BEVERIDGE. I had not intended to go into details today, but I do intend to do so before the debate is through. But if the Senator will turn to the schedules themselves, which are on his desk, he will find the information.

Take coal, for example, which is produced in the State of our friend the Senator from West Virginia or in the States of the Middle West. The coal mines in that portion of our country east of the Allegheny Mountains supply the demand for fuel in middle western and western Canada, I suppose, as far east as Toronto, perhaps.

The reduction secured on coal will greatly enlarge the markets for our coal mines in West Virginia clear on through the Middle West. This is one increased market in Canada this arrangement gives us.

Of course, I think coal should have been free. Free coal would give our middle western mines an exclusive market in middle western Canada.

I think I understand the reason why coal was not made free. I have not the slightest doubt that our Government did all it could to make it so, and I have not the slightest doubt, on the other hand, that the coal mines of Nova Scotia were afraid of our competition. I have no doubt they thought perhaps they could penetrate the Winnipeg market. I will not state that as a fact, although perhaps I might. Now, that is one illustration.

Cottonseed oil is another and a most important one. Automobiles, agricultural implements, engines, and various manufactures are others.

If the Senator from Vermont will run down the schedules of manufactured products, he will see that these and other products will enjoy greatly increased markets under this arrangement.

Suppose others should have been added, or the ones included in the proposed arrangement should have been treated differently. I am making the argument here that once the policy itself is established and the people enjoy its benefits any defects will be remedied speedily by the very force of economic and commercial conditions.

On the other hand, as I said at the beginning, if it proves not to be beneficial it is absolutely certain that it will be immediately repealed, because it is not in the form of a treaty, but a statute.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. The Senator, who has served with me 12 years, knows that I not only welcome but invite interruptions in general debate, and I shall do that when the debate opens. But I did want to make this statement as connectedly as possible.

Mr. NELSON. It is a very brief question and will take but a moment.

Mr. BEVERIDGE. Oh, well, go ahead.

Mr. NELSON. I should like to have the Senator explain to us what reciprocity there is in putting wheat on the free list and then tacking a duty of 50 cents a barrel on flour.

Mr. BEVERIDGE. If the Senator had been patient, he would have had that question answered in five minutes. I am coming to that.

Some objection is suggested to a few of the items of the proposed arrangement. Even if these objections were valid, they are of small moment compared to getting the policy itself established. But the scattered objections to the details of the agreement are unsound in the main.

For example, it is said that because the agreement admits live animals from Canada free of duty and does not admit fresh meats and meat food products free of duty this arrangement helps the Beef Trust.

But of course this is not true, but the very reverse. If fresh meats and meat food products were made free between this

country and Canada, our Beef Trust would have a new, easy, and free market in Canada. Would it not be to the interest of the Beef Trust to have this new, free, and easy market?

Of course, fresh meats and meat-food products should be free of duty between this country and Canada, because our people need all of the meat and meat food products then can get. And nothing is more certain than that once this policy of Canadian reciprocity becomes the law of the two countries and the Canadian and American people as a whole feel its good effects, meat and meat food products very soon will be made as free as live animals.

Mr SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr BEVERIDGE. Yes.

Mr. SMITH of Michigan. I simply desire to ask the Senator from Indiana, who has undoubtedly given this subject a great deal of attention and thought, whether he believes that food products will be cheapened to the consumer of this country by this agreement. I ask the Senator the question because I think that so far as the American people are concerned, it is the nub of our controversy. I do not disagree with the Senator from Indiana in many of his contentions. But I should like to know whether he regards that as one of the blessings to grow out of this agreement.

Mr. BEVERIDGE. The present comparatively small production in Canada is so inconsiderable that it will not greatly afford immediate relief, and for that very reason can not possibly injuriously affect our farmers who raise the same things. That is the first point.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Oh, pardon me; one at a time.

But if possible even a greater question than the present high cost of living is the probable vast increase in our future cost of living. As the Canadian production of foodstuffs increases it will prevent that increased cost of living.

We are dealing not only with to-day, but we are dealing also with the future of scores of millions of human beings. Perhaps the largest vital fact now being considered by economists and statesmen the world over is the startlingly rapid increase of the world's consumption of food products and the comparative decrease of the world's production of food products.

Hereafter, when the general debate opens, I shall produce for the benefit of my friend and the whole Senate the alarming statistics of this and other countries upon that subject. The admission of future supplies from Canada will go far to prevent that catastrophe to the American people. Now, does that in any way respond to the Senator's question?

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Indiana. He has made his position very clear; but I do express some regret that he should have seen fit to reduce his remarks to writing, because he not only illuminates his subject with great clearness when he speaks without his formal address, but it does give us an opportunity to ask him questions which I hesitate to do in the present situation.

Mr. BEVERIDGE. The Senator will do me the justice of testifying that during the few years we have served here together, in all debates and discussions I never have objected to any questions or interruptions, but, on the other hand, have affirmatively invited them. The only reason I do not to-day is, of course, the fact that I have tried to make a condensed and connected statement of the whole subject, and I think it is better and more illuminating for the discussion to open in that way. Hereafter, if the Senate will indulge me, I shall engage in some little discussion of this subject.

Mr. BORAH rose.

Mr. BEVERIDGE. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask the Senator from Indiana if he takes the position in this address that this agreement will reduce the cost of living in the United States.

Mr. BEVERIDGE. I have stated very clearly that the limited present production of Canada will not afford very much immediate relief. From that point of view, therefore, it can not hurt our farmers. But while the present production is inconsiderable, the possibilities are vast; and as the production increases it will meet our ever swelling demand for foodstuffs, which is the chief economic cause of the raise in the cost of living.

Mr. BORAH. Then, as I understand the position of the Senator from Indiana, it is this—that while it will not presently reduce the cost of living it may prevent the increase of the cost of living in the future.

Mr. BEVERIDGE. It absolutely will prevent a future increase in the cost of living, and the Senator knows—he has listened with an attention, which flatters me, to my remarks—that I have pointed out that one of the artificial, and I might use so strong a word as to say outrageous, causes that have increased the cost of living has been the cornering of our food products by financial adventurers, who in heart and spirit were and are as much pirates as any who ever sailed the sea on the Spanish Main. This agreement will go far to stop that.

This cornering of such products, to the injury of the whole people, including the farmers themselves—because the farmers are never in the end benefited by those artificial fluctuations—will be prevented by the excess of the same commodities from Canada. These financial speculators in human life will have to corner a continent instead of a country.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask that the unfinished business be temporarily laid aside, so as not to interfere with the speech of the Senator from Indiana. I may call it up after the Senator has finished. Perhaps some one may desire to speak upon it to-day.

The PRESIDING OFFICER. The Senator from Idaho asks that the unfinished business be temporarily laid aside. The Chair hears no objection, and the Senator from Indiana will proceed.

Mr. BEVERIDGE. Now, as to fresh meats and meat food products. And, Mr. President, these interruptions remind me of an incident which occurred in Indiana in the old days of political campaigns. It was perhaps 25 years ago, at Evansville. An eminent gentleman was arguing that protection reduced the price of articles manufactured here, and he had come to the subject of nails. He was speaking in the open air. A procession came by, and then another and another. As they passed with their bands and banners the eminent speaker had to suspend. His audience had lost the thread of his argument, but he had not lost it. So when finally the music of the last drum corps was receding in the distance, the persistent logician-orator resumed his argument by saying, "Now, fellow citizens, as I was pointing out half an hour ago—take the price of nails." [Laughter.]

So, returning to the subject of meat, the point, as I was saying, had been made that because the agreement proposes live animals shall be free, and yet does not propose the meat products of those animals shall be free, therefore this was plainly in the interest of the Beef Trust.

Of course it is the exact opposite, because if meat were reciprocally free, and meat food products, that would mean for our Beef Trust easy and free access to a new and ever-growing market.

Now, why were not meat and meat food products made free? That is important.

The reason why fresh meat or meat food products were not made free in the proposed agreement, as are live animals, doubtless was that the Canadian Government would not agree to it. Probably Canada has packing industries which feared the free competition of our older and more powerful American packing industries.

It has been suggested that the proposed arrangement will help some others of our greater industries, known as the trusts, by giving them an easier access to the Canadian markets. But this is plainly unsound; for do not all Americans of all parties want to enlarge foreign markets for any and every American industry, little or big?

If our automobile manufacturers can sell abroad more of their products which they make here, it follows that they will employ more laborers here, and these laborers will buy more of our own farmers' products.

The same is true, of course, of all other American manufacturers and producers whose foreign markets this arrangement enlarges. Take, again, the subject of coal. It is true of coal.

It is true of the manufacture of agricultural implements and of all other manufactured articles in which there has been a notable reduction of duty. It supplies that thing which the manufacturers and other producers of this country have for the past few years been demanding with an ever-increasing strenuousness.

Now, I come to the question asked me by the Senator from Minnesota. What I have said about the admission of live animals free and yet not putting the meat food products of these animals upon the free list applies in precisely the same way to the free admission of wheat and yet keeping flour and wheat products upon the dutiable list.

It would have been to our advantage to have had flour on the free list as well as wheat from the point of view of enlarging our own food supply. It would have been to the advan-

tage of our milling industry to have had flour free, just as it would have been advantageous to our packing industry to have had fresh meats and meat food products free, because it would have given both a free and ever-expanding market.

Doubtless the reason why flour was not placed on the free list, just as the reason why meat was not placed on the free list, was because the Canadians would not agree to it.

Senators must not forget the capital fact in this whole discussion that we are not making a law just as we want it, but we are perfecting an agreement; and therefore we must take into consideration what the other party to the agreement wants as well as what we want.

I have not heard a sound objection to this proposed arrangement which time and expereince will not speedily correct, except, perhaps, on the item of barley. Perhaps barley should not be on the free list. Its free admission possibly may hurt for a short time two or three thousand farmers in the Northwest near the Canadian line, and it will help no American interest except American breweries.

So perhaps barley ought not to be placed on the free list. It is not a food product of the same grade as wheat flour.

But I repeat this is a reciprocal arrangement—the policy of friendly give and take. We can not begin the policy by getting everything we want and giving Canada nothing she wants. And one of the things she did want was free barley.

So conceding for the sake of argument that this item is objectionable, shall we prevent the beginning of a great national policy for such a reason? Shall we, because of this small and local consideration when compared with the vast interests of the whole Republic, resolve to continue and solidify the trade obstruction between ourselves and our best friend and customer?

The general effort to make American farmers believe that this arrangement is a blow at their prosperity is not justified. It will not hurt the American farmer in the item of wheat; we are the greatest exporters of wheat and flour in the world.

American wheat successfully competes with Russian and Argentine wheat in foreign markets; and while our wheat and flour exports are growing less, so are the wheat and flour exports of Russia—next to us the greatest wheat producer on the globe.

The world's consumption of wheat is rapidly overtaking the world's production of wheat. The comparatively small amount of wheat which Canada can send us for the next few years will not more than meet the increasing demand. That, I think, is a direct answer to the question the Senator asked me a few moments ago.

And by the time that Canada can supply us larger quantities of wheat, the pressure of our increased population upon our means of sustenance will absorb all of the wheat that Canada can send us without changing the American farmer's relative position.

The free admission of cattle and other live animals will not hurt our farmers. Canadian cattle will have to be corn fed here.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. In just a minute when I get through this point. They will be grown on the Canadian range to be prepared for market on American corn. And, indeed, free cattle will give the producers of our corn-fed cattle a new market.

Mr. BORAH. Mr. President, if the position of the Senator is correct, then I would like to have him tell us how this trade agreement is going to reduce the cost of living to the American people.

Mr. BEVERIDGE. The Senator will agree that it will prevent the increase of the cost of living. Twice already I have pointed out one specific instance where it will reduce it.

Mr. BORAH. If the farm products from the Canadian side are so inconsequential as not to affect the price of farm products on this side, how are we who consume products going to get any benefit of lower prices?

Mr. BEVERIDGE. You will get the benefit of the lower price, perhaps, in cattle which we must corn feed here. There is a double advantage to us. Also you will get the prevention, which is the great question before us, of a still greater increase of price.

Mr. BORAH. But, Mr. President——

Mr. BEVERIDGE. Now, pardon me, I can not yield for a speech in the midst of my own. I see the Senator is taking, much to my regret, a hostile attitude upon this great subject. You can not deal with this large business by a peck-measure statesmanship. You have got to take the thing as a whole. If the Senator insists that it is not going to reduce the cost of living, he therefore admits it is not going to hurt the farmer. If it is not going to hurt the farmer, who is it going to hurt?

Mr. BORAH. The Senator from Idaho is not necessarily taking a hostile attitude on this agreement, but it has gone to the country, and the people of this country have been led to believe that this agreement will reduce the cost of living in the country. I submit that it is up to those who have led the people to believe that, to give some specific facts upon which we may base our judgment when we come to vote. If it will not reduce the cost of living in this country, I will assure the Senator that the public mind will cease to be greatly concerned about these international friendly relations. That about which they are concerned is the other proposition, and the Senator——

Mr. BEVERIDGE. The Senator must not interject a speech in my remarks. I have indicated my desire to proceed. I will accommodate the Senator to his satisfaction when the general debate comes on. I am making an opening statement at the present moment.

Mr. BORAH. The debate is on.

Mr. BEVERIDGE. Three times I have stated the exact position which the facts and statistics show, that the constantly increasing pressure of consumption upon our production has not only raised the cost of living to the present point to the average citizen of the country, but what is far more serious to him and those of his household is the fact that it is going up every day.

Yet the Senator seems to think, "Well, if you are not going to cut in two between sunrise and sunset the cost of living, why make any provision to prevent its increase next week? What do we care about the American people next week?" That is what the Senator's remarks seem to imply.

This is not a measure, as far as I know or have observed from reading any public utterance, which is being urged upon any demagogic grounds, but upon a broad, fundamental basis that affects the entire Nation.

No; Mr. President, this is not going to hurt the farmer in any way. It will not in wheat, as I have shown. It will not in cattle; that item will help the farmer, because Canadian cattle must be prepared for market here on our farmers' corn. It will not in horses, but instead will increase the market for our horses. We already export to Canada greater numbers of horses than we import from Canada.

Mr. BORAH. But we do not eat horses.

Mr. BEVERIDGE. No; but all use horses, especially on the farm. Does the Senator think he is going to dispose of this great policy by saying we do not eat horses? We use horses on the farm. Do they not use horses in Idaho? And we produce horses and sell thousands of them to Canada every year.

Mr. BORAH. The Senator, as I understood, was speaking of the cost of living, otherwise I would not have made the remark.

Mr. BEVERIDGE. Do we not use those animals? Do we not produce and sell them? The Senator must either pay attention to my remarks and not pay attention a part of the time to what he is doing there or else not interrupt me.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. Pardon me. I do not yield until I explain to the Senator. I said what I had to say—stated it two or three times—about the cost of living.

Then I came to the proposition being urged most unfairly that this reciprocal trade agreement is going to injure the farmer. I was pointing out that it can not injure the farmer. I specified wheat; I specified cattle; I specified horses, of which we now export to Canada more than Canada exports to us. All this bore on the objection that this arrangement injures the farmer.

Instantly, in the midst of the argument to show that the farmer is not going to be hurt, the Senator wants to know if we eat horses. What has that to do with the question of the alleged injury to the farmer?

We use horses. We use horses on the farm. It is the chief labor employed. It is the chief labor in the production of the food necessities of the people. And our farmers produce horses for export. Canada is already the best market for our farmers' horses; and this agreement will enlarge that market.

Mr. BORAH. Mr. President, I did not intend to be jocular with the Senator from Indiana, but I wanted to bring him to the question that concerns us, and that is the cost of living.

Mr. BEVERIDGE. I have noticed these few items, Mr. President, to illustrate the unsoundness of many of the hop-skip-and-jump objections to the mere details of this proposed arrangement.

But even if they were valid instead of groundless, all of them put together are a small matter when compared with getting this fundamental and truly national policy established.

If Senators would take their minds from an item here and an item there, and address themselves to this large business as a

whole, which involves a policy, and not retail logrolling legislation, we would better comprehend this proposed arrangement.

The beginning of the policy itself is the great and overshadowing consideration. The beginning of closer trade relations between these two peoples who are immediate neighbors and who are of one blood, language, and religion is the large phase of this question.

The great and real statesmen who established this Government faced exactly the same difficulty in another form. Many things were forced upon them in the framing of our Government which they did not like. Many of these things were very serious and have been the source of some of the gravest troubles which we as a people have experienced.

Yet these wise men who framed our Government agreed to these objectionable things in order to get the Government itself established. The problem was to get the Government going at all.

So concessions were made in order to accomplish this greater good—this vital purpose. Had not the broadest and biggest men of that time made these concessions the Constitution might not have been adopted, and our Government as it exists might never have been framed.

But the Government once a going affair, the Nation once established, these lesser mistakes and the evils flowing from them have largely been corrected. And can we doubt that as time goes on all of them really will be corrected?

But suppose, in the great crisis of establishing the Government, of getting it a going affair, a microscopic determination had said, "No; I will not agree to establish the Government unless I can have my way on this little thing or that little thing or the other little thing," what would have become of the Constitutional Convention of 1787? What would have become of the building of the Government itself?

So, in the establishment of this policy of closer trade relations with Canada, however important some details may seem to some people, they really are unimportant when contrasted with the establishment of the policy itself.

This is not like the administration of an old and firmly established policy. It is the creation of a new policy, a policy thoroughly national in scope. The heart of our present problem is to get this policy going.

Let us not forget that this is not a local and patchwork affair, but a broad national and humanitarian plan of statesmanship. Generally speaking, it affects favorably more than a hundred millions of people on this continent, nine-tenths of whom are under our flag, and substantially all of whom are of the same race with the same industrial methods, the same customs, the same ideals.

Selfishness is seldom wise. The American people, as a whole, are patient, long suffering, kindly, slow to wrath. But if a few selfish interests prevent even the beginning of this beneficent program, it well may be that those short-sighted and selfish interests will be made to suffer in stern reality infinitely more than they vainly imagine that this reciprocal arrangement will make them suffer now.

Our wisest and most far-seeing statesmen of all parties have favored this policy. McKinley, "the high priest of protection," as he was called, suggested it in his last public utterance. It is the instinctive and intelligent desire of two peoples peculiarly situated and constituted. It springs from the mutual necessities of millions of human beings. Let no small and temporary motives of local and unwise selfishness prevent the beginning of this noble policy.

Mr. BORAH. Mr. President, I am not going to detain the Senate by a discussion of the trade agreement. It is an important matter, however, and I presume all desire all information to be had. I find an article here which expresses some views which I think all ought at least to consider. I am going to read a paragraph or two in order that it may go into the RECORD:

> For a very long time now this country has been pursuing the deliberate policy of enlarging and strengthening certain classes of its producers by enabling them to dispose of their products to their fellow citizens at a higher price that the current world price for such commodities. By means of a tariff, called protective, it has made it possible for all industries whose production was below the consumptive needs of the country, or which could dispose of enough of their production abroad to keep the residue below the consumptive needs of the country, to obtain prices for what they sold within the country equal to the current world price plus the tariff rate, whatever that rate might be for each particular variety of product. In carrying out this policy the country has deliberately sacrificed the present interests of the producers of all commodities produced in such quantity that there remains an exportable surplus above domestic requirements of sufficient magnitude to keep the price of the entire production on the basis of the current world price. Until very recently the chief class of producers who found themselves in this case consisted of agricultural producers. It was they, above all others, who always had to take the world price, without any tariff premium, for what they produced, and who had to pay for what they bought the world price plus a tariff premium. To keep them contented various devices and arguments have been employed, some political and some pseudoeconomic, which could hardly have been effective with a more intelligent class. For instance, they have been shown in every tariff a series of so-called protective rates on all their products; but they have been very little enlightened about the futility of these rates in their case. Great stress has been laid upon the constantly growing markets for their products, but very little has been said of the hard fact that in those markets, no matter how they increased, they, as producers, forced to sell at the world price, but to buy of other more favored producers at the world price plus a tariff premium, must expect to work harder and to remain poorer than those other producers. It has been insistently pointed out to them that wool in this country brings a higher price than in foreign countries, but their attention has been carefully diverted from the fact that almost up to the present day wool has been practically the only agricultural product of this country of which this is true. In the whole history of the country there have been less than six months when the price of wheat has been the world price plus any tariff premium at all. There has not been a single day during all the years when there has been the slightest tariff premium over the world price for corn or oats, or cotton or apples, or grapes, or hops or pork. More than a generation of farmers had lived and labored and died before there was any tariff premium in the price to be got for beef, or milk, or butter, or eggs, or poultry, or barley, or flaxseed, or hay.
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> Such has been the deliberate policy of this country for many years as between its various classes of producers. And this policy has produced the consequences which any clear thinking man would expect. Those producing classes which have been enabled to get, for their products the world price plus a tariff premium, while deriving no benefit from this fact on the commodities they interchanged with each other, have steadily gained an advantage on all they interchanged with the agricultural producers. Their cost of mere living has remained on the basis of world prices, and their rate of compensation for their own labor has been the world price plus the tariff premium. And they have prospered exceedingly. In no other country in the world have the producers of these commodities fared so well. Capitalists and laborers alike, they have enjoyed a measure of comfort almost unheard of. But the agricultural producers have found that in spite of all the arguments addressed to them they have worked harder and remained poorer than their more fortunate fellows. And, without being able to reason out the causes of the thing, they have followed an instinct that told them to get over as fast as they could from agricultural production into the more comfortable industries. Each succeeding census has told the story of their migration. Only in those parts of the country where increasing population and the land hunger of the race was enhancing the value of land, could they see any profit in farming, or any hope of a manner of living such as they saw commonly attained in the industries fostered by our national policy. So in ever-increasing numbers they have been flocking into cities, away from the farms, into the manufacturing and allied pursuits. They have alarmed our statesmen, who have been set at work persuading them by lectures and commissions and other paraphernalia to continue to be farmers, but all with scant result. Forces greater than plausible arguments are pushing them; and until real counterforces are set in operation they will continue to come.
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> But they have already come in sufficient numbers to disturb the old happy condition of things. They have already so reduced the rate of increase of agricultural production in this country, relative to the increase of population—and this in spite of all improvements in agricultural machinery and methods—that one after another of our agricultural products is ceasing to show an exportable surplus, whose sale must fix the price of the whole on the basis of the world price. And as fast as this happens with any commodity the price in this country immediately jumps to the level of the world price plus the tariff premium. This has already come about with beef and mutton and dairy products and eggs and poultry and flaxseed and citrous fruits. It has practically come about with barley. It is on the point of coming about with wheat. Indeed it did come about with wheat for a few months in the spring of 1909, aided no doubt by the speculative activities of Mr. Patten and others, yet even so with entire economic propriety.
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> It would inevitably soon come about with substantially all our agricultural products, except possibly corn and the so-called bread-and-butter kinds of cotton, if the Nation should hold steadfastly to its traditional policy.
>
> But now the shoe begins to pinch those who have been so busy enjoying the advantages of the game. The cry goes up from our manufacturing centers and our cities that the cost of living is becoming unbearable. The dwellers there see no reason why they should be deprived of the privilege of selling their products at the world price plus a tariff premium, while living on the basis of the world price for food. The manufacturer sees that when he has to pay wages based on a protected price for foodstuffs, his wealth must accumulate much more slowly, and he joins in the cry for the abolition of the tariff so far as they are concerned. The city newspapers, realizing the harshness of the economic law that must force many city dwellers back to the farms, add to the clamor that food must be made cheap.
>
> The American farmer, who had begun to have visions of exchanging commodities on a basis of price equality with other kinds of producers, will find himself again in the same old position, working harder and remaining poorer than his fellow citizens in other industries. He will continue to escape from his relatively uncomfortable lot by abandoning his farm, whenever he can, and passing over into the better kinds of labor. At last he will again overbalance by this method the economic disparity between his class and others. Then the cost of living will jump again, and it will be necessary to find another agricultural country, say Russia, with which to make a reciprocity treaty. But meanwhile is there any social justice or any economic sense in the proceeding? And if there is not, ought any true lover of the best interests of the country to desire the ratification of the proposed treaty?

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. If no one desires to proceed to discuss the unfinished business, I will ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER. In the absence of objection, the unfinished business will be temporarily laid aside.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. Mr. President, I ask unanimous consent to call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes. The bill has been before the Senate for a long time. It is an administration bill, a public bill, and practically provides an organic law for the Territory.

I have received a letter from the President stating that he is exceedingly anxious to have the bill acted on quickly; I have received the same kind of a letter from the Secretary of War, and I have received cablegrams to the same effect from the officials of Porto Rico.

The PRESIDING OFFICER. The title of the bill, for the consideration of which the Senator from New York asks unanimous consent, will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. BRISTOW. Mr. President, that bill will lead to a great deal of discussion, because the Senate committee has incorporated some amendments in it since it passed the other House which I think should not be in the bill.

Mr. DEPEW. It may lead to discussion, Mr. President; but that is no reason why the bill should not be considered.

Mr. BRISTOW. Mr. President, I will have to object to the bill being taken up now.

The PRESIDING OFFICER. The Senator from Kansas objects to the request for unanimous consent. Does the Senator from New York move to proceed to the consideration of the measure?

Mr. DEPEW. I will withdraw the request for the present.

SENATOR FROM ILLINOIS.

Mr. GAMBLE. Mr. President, I ask that the Chair lay before the Senate the report of the Committee on Privileges and Elections relative to the right of the junior Senator from Illinois [Mr. LORIMER] to retain his seat in the Senate.

The PRESIDING OFFICER laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. GAMBLE. Mr. President, in the observations which I submitted to the Senate a few days since I made reference to certain cases in regard to the rule of computation where illegal and void votes had been cast in an election. As I then stated, it was my view, under the law as interpreted by the courts, a bribed vote is void and illegal, and for no purpose can it be considered, nor can it enter into the computation in the ascertainment of the result in an election. I believe this rule is established, and the reasons therefor are justified by law and by experience, as applied in the courts as well as by legislative bodies.

On account of the length of my remarks at that time I contented myself by referring to the cases with only a general statement as to the holding of the court in the different cases. My purpose now is simply to make a fuller reference to them, and insert extracts therefrom, and also to review certain cases cited in this debate by other Senators which are claimed to have binding force and should control the Senate in the case now under consideration.

The cases to which I referred have been criticized and sought to be distinguished by the senior Senator from Iowa [Mr. CUMMINS] and also by the junior Senator from Ohio [Mr. BURTON] as to their application to the question involved. Among others I cite the case of Lane *v.* Otis (68 N. J. Law, 64). This was a contested-election case. The office in dispute was that of a member of the board of chosen freeholders for the county of Ocean, in the township of Little Egg Harbor.

The borough of Tuckerton having been set off from the township, there were at the time the election was held two election districts, viz, the borough of Tuckerton and the township of Little Egg Harbor, that lay outside the borough. At the election held in March, 1901, the electors of each of these districts cast their ballots for member of the board of chosen freeholders at polling places situated within the territorial limits of the borough of Tuckerton. This circumstance gave rise to the main subject of contest between the parties in the proceeding.

The contention of the relator was that the ballots cast by the electors who resided in that part of the township that laid outside the borough were not, in legal effect, votes cast at the election, and hence could not be counted. If the ballots were counted, Otis, the incumbent, had a plurality over Lane, the relator, but not a majority, for there was a third candidate. If the vote of the township were thrown out, the relator had a plurality over Otis and a majority of all the votes counted, but not a majority of all the votes cast. To state it in another way: If a majority of all the ballots cast be necessary to elect, neither the relator nor the incumbent were elected, whereas if a plurality be enough the relator was elected if the vote of the township be disregarded, and the same was true if the vote of the township were thrown out and the majority of the remaining votes be held to be sufficient to elect. The board of registry and election threw out the township vote and gave a certificate of election to the relator. The board of chosen freeholders denied the relator's right and seated the incumbent.

After reviewing the statutes relating to elections, the court held the provisions governing the same were mandatory, and stated:

> It deals with a matter of substance that goes to the qualification of electors. It not only makes it illegal for any elector to vote elsewhere than in his own district, but also makes his title to vote dependent upon the exercise of that right within the election district in which he actually resides, placing this qualification upon the same plane with those required by other statutes and by the Constitution. Obviously, this is not a mere monition. Both from its nature and its association this provision is mandatory in character, and the effect of a vote illegally cast in disregard of it is that in legal effect no vote has been cast. Giving due force, therefore, to the legislative prescript, the ballots cast within the Borough of Tuckerton by electors who actually resided in the township outside the borough were not votes cast at the election, and must be disregarded in computing its result.

The court refers in its opinion to the case of Bott *v.* Secretary of State (33 Vroom, 107), and states as follows:

> In that case it was held that in determining whether a majority of votes had been received for an amendment to the Constitution only those electors who lawfully voted for or against the amendment are to be considered. It is true that the opinions delivered dealt only with the language of a given clause of the Constitution, but the line of reasoning is applicable with equal force wherever the question of the computation of a majority of votes is presented. The principle announced is that ballots cast at an election are to be deemed votes only when legally capable of being counted as such, and that in determining the total vote upon which a majority is to be based the votes that may figure in the result and not the ballots that were cast in the box are to be considered. Applying this rule to the vote spread upon this special verdict, it will be found that the total number of votes legally capable of being counted for any candidate, if the vote of the township be deemed illegal, was 287, of which the relator received 161, a majority of 17 over the two other candidates.

The conclusion reached by the court was that the ballots cast in the borough of Tuckerton by the electors who resided in the election district that lay outside the borough were not legally capable of being counted as votes for any purpose and that the relator was elected by the remaining votes legally cast at the election.

The case of Hopkins *v.* City of Duluth (81 Minn., 189) was an election contest instituted against the city of Duluth to test the question whether a proposed charter for the city, submitted at a general election, had been ratified by four-sevenths of the qualified voters voting at such election. Under the findings of fact returned 6,707 ballots were deposited in the ballot boxes by the voters, which was the aggregate number for consideration in estimating whether the new charter received the adequate number of votes to secure its ratification, which, under the constitutional amendment, should be four-sevenths of the qualified voters voting at such election. A certain number of illegal votes had been cast, and the court took the view that a sufficient number of ballots were cast which must be excluded from the total number to sustain the charter by the constitution of four-sevenths provided for under the constitutional amendment. Of the total number of votes cast, 26 were excluded by the court, and if this exclusion is justified the charter was duly ratified.

The court in this case held:

> That of the 26 ballots thus excluded by the court, five had either the names or initials of the voters casting them written thereon and clearly indicated such evidence of identification of the persons casting such ballots as constituted a plain and palpable infraction of the election law. They were not counted, although expressing in each case the voter's choice in certain respects. (Pennington *v.* Hare, 60 Minn., 146; 62 N. W., 116; Truelsen *v.* Hugo, supra, p. 73.) That the identified ballots thus deposited should be excluded from the total vote is the only reasonable inference that follows from the application of the doctrine of these cases. The fraud which nullifies the choice expressed on these ballots must logically vitiate their use for any purpose. They were void. It necessarily follows that the poll list can not be regarded as absolute evidence of the aggregate vote upon which the constitutional majority is to be estimated.
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> Of the 26 ballots excluded by the trial court, 15 had markings upon them, but expressed no effective choice for any candidate, or upon either the bond proposition or the ratification of the charter. The voters who deposited these ballots did not by any mark or indication, even under the liberal construction of this court in the recent case of Truelsen *v.* Hugo, supra, express a choice. Their ballots were unintelligible and meant nothing. The effort of the voter in each instance to avail himself of his right of franchise amounted to nothing, and the most we can say for each of these ballots is that it was a mere attempt to vote, and could not be counted, and none of them was, in fact, counted. Six other ballots were totally blank, which the voters, without the use of the pencil in any way, deposited in the ballot box. The fraudulent ballots, the 15 ballots with unintelligible markings, and the

six blank ballots, together constituted the 26 excluded by the trial court from the total number.

I further cite the case of Bott *v.* Secretary of State (62 N. J. Law, 107). Different constitutional amendments were submitted by the legislature to the electors of the State of New Jersey for their ratification or rejection. The board of State canvassers convened, and in the manner prescribed by the statutes determined and declared which of the proposed amendments had been adopted, and delivered a statement of the result as to each proposed amendment to the secretary of state to be filed in his office. By this statement it was also certified that the number of names on the poll list who voted at the election was 141,672, the number of votes cast for the amendment in question was 70,443, and the number of ballots rejected was 961.

The court, in its opinion, on page 127, states:

If the determination of the result is made on the basis of a comparison of the votes cast for this amendment with the qualified voters in the State or with the number of voters whose names appear on the poll books, the amendment did not receive a majority. But by the constitutional provision under consideration, though the proposed amendment is required to be submitted to the people of the State, the approval and ratification of an amendment depend upon the majority of the electors who are not only qualified to vote, but do vote thereon at such election. * * *

The constitution requires that the approval and ratification of any amendment shall be by a majority of electors who are not only qualified to vote, but who did actually vote upon such amendment; that is, qualified voters whose ballots were entitled by law to be counted in declaring the result of the election either for or against the amendment. Though a qualified voter succeeds in getting his name on the poll list and a ballot in the ballot box, he is not a voter voting on the amendments unless his ballot is such as is prescribed by law and conforms to the general law regulating elections. * * *

The ballots returned as rejected must be taken to have been properly rejected, and consequently are to be excluded from the computation of the votes cast for or against the amendments. Such ballots were simply nullities.

In other words, it was held by the court that it must be presumed that the ballots so certified by the election officers as rejected were properly rejected as void and illegal and consequently were to be entirely excluded from the computation in the ascertainment of the result of the votes cast for and against the amendment, and that in canvassing the result of an election such ballots were mere nullities and could not be counted as ballots for any purpose.

Had the illegal and rejected ballots been counted and such ballots regarded as ballots for any purpose, the amendment in question would have been lost. They were, however, entirely excluded by the court, and as a result the amendment was declared legally adopted by a majority of 801 votes.

The case last referred to under the same title appears in Sixty-third New Jersey Law, page 289, wherein substantially the same questions are involved as affecting only one of the constitutional amendments submitted for adoption with the others mentioned in the preceding case.

From the statement it appears that the number of names on the poll lists was 141,672; that the number of ballots rejected was 961; that the number of votes given for the lottery amendment was 70,443 and the number of votes given against it was 69,642. It was insisted by the attorneys that a majority of all the voters, as shown by the names on the poll lists, or at least a majority of all those who cast ballots, whether the ballots were for or against any amendment or were rejected, was necessary for adoption.

In this case the court states:

Evidently only those voting for or against an amendment are to be deemed those voting thereon. By the words "electors voting thereon" are intended the electors who exercise the right of suffrage in such manner that their votes should, under the law, be counted for or against the proposition submitted; and although the number of names on the poll lists may represent the number of qualified electors who attempted to vote, and the rejected ballots may all have been official ballots cast by some of these qualified electors, still it may be that not all of those qualified electors voted, in the constitutional sense, and that the rejected ballots were not votes. If, for example, an elector presented to the election officer and the officer deposited in the ballot box two or more official ballots rolled or folded together, and in canvassing the votes the ballots were so found, those ballots would, under the law, be null and void, and the elector would not have voted on any of the amendments. Now, in the absence of evidence to the contrary, the presumption is that the election officers acted rightly and therefore that the rejected ballots were rejected for legal cause and were not votes for or against any amendment; that all the votes legally capable of being counted for or against the lottery amendment were 140,085, and that only so many qualified electors voted thereon, of whom a majority approved and ratified it. * * *

Payne, in his work, The Law of Elections, section 513, states the rule as follows: "Where illegal votes have been cast the true rule is to purge the poll, by first proving for whom they were cast, and thus ascertain the real vote."

Mr. President, reference has been made during this debate to certain cases reported in Senate Election Cases, and especially to the Clark case, the Payne case, and the case of John J. Ingalls. I desire to call the attention of the Senate to the rule as laid down in those cases and the basis for its authority as applied to the case now under consideration. These cases were especially referred to by the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Ohio [Mr. BURTON]. I want to be entirely fair, and I quote from the recent speech delivered by the senior Senator from Iowa. After referring to the Payne case, he states:

I want now to show the Senate in a very few minutes, because I must bring these remarks to a close, that the rule for which I contend is the rule of the Senate; that if any other is established it departs from the well-considered judgment of the Senate. I ought to qualify that, because in neither of the cases to which I shall refer was there a judgment of the Senate. In both of them the opinions I shall quote are the opinions of the committee.

Mr. President, let us look for a moment at the Clark case. The members of the Committee on Privileges and Elections at that time were the following-named Senators: Chandler, chairman, Hoar, BURROWS, Pritchard, McComas, Caffery, Pettus, Turley, and Harris.

On page 907, Compilation of Senate Election Cases, I find that on April 23, 1900—

Mr. Chandler, from the Committee on Privileges and Elections, reported the following resolution:

"*Resolved*, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Montana."

On the same page and on the same date this appears:

Mr. Chandler, from the Committee on Privileges and Elections, submitted the following report, to accompany Senate resolution 284.—

Being the resolution above referred to. The report is quite voluminous, especially in its findings of fact. In the fourth finding it appears that $154,000 had been paid out by Senator Clark in that election. It was also found by the committee that E. P. Woods, a member of the legislature, was approached and sought to be influenced as a member of the legislature to vote for Senator Clark. I also read from the findings of the committee in reference to the member Woods:

Senator Clark knew of Mr. Bickford's attempt to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark.

I further find on page 910 a statement directly bringing the matter home to Senator Clark in connection with a member of the legislature who was paid $2,000. I further find upon the same page in connection with Mr. E. C. Day, a member of the legislature, that—

on February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future.

So, Mr. President, in the Clark case the acts of bribery were brought directly home to Senator Clark and his direct connection therewith shown from the findings of the committee. So far as the law of that case is concerned, it made no difference whether there was only one vote bribed if Senator Clark were connected with it, or whether the whole membership who voted for him—54—had been bribed.

Possibly my statement has not been entirely just or sufficiently full. I want to be entirely fair to the Senator from Iowa in my statement in regard to his reference to this case. After making reference to the Clark case and the law laid down by the committee, he followed it with this statement:

It is the exact situation which we now have before us. There is not one hair's-breadth difference between that case and the one we have here. If we were to pursue the rule insisted upon by these Senators, Mr. Clark would have shown an unimpeachable title to his office, but it was nullified without a dissenting voice. The rule which is now insisted upon can not be applied, it never will be applied, and it never has been applied in any tribunal in the enlightened world, as can easily be shown by an analysis of the various cases.

But I need go no further than to ask the Senate to stand firmly by that which has already been decided in this body. That report and that statement and that view of the law was concurred in by every member of that committee, no matter what his political affiliations may have been.

Now let us see, Mr. President, as we follow this case through and note its application. A minority report was submitted by Senators Pettus and Harris, and the first paragraphs in that report are these:

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

It is true that we saw and read that report, by the grace of the chairman, and dissented from many parts thereof, and gave the chairman notice of such dissent, when the chairman informed us that we were not bound by the wording of the report.

It was our misfortune not to agree with a majority of the committee in the general conduct of the investigation of this case. We believed that in this important inquiry the committee was bound by and ought to act on the ordinary rules of evidence.

And the minority report follows, expressing a concurrence with the resolution. It not only criticizes certain statements made in the report, but sees fit in certain particulars to criticize the chairman of the committee. But into that I will not go.

Subsequently, on May 15, the resolution and report were laid before the Senate. Senator Clark addressed the Senate at length. At the conclusion of his remarks he submitted a copy of a letter written by him to the governor of his State, and at once resigned his seat. In his address Senator Clark, I should judge, criticized the report and the findings made. The committee felt justified in making a reply, and a supplemental report was submitted by the chairman on June 5, 1900. At the conclusion of the formal part of the report there is this statement:

Reference will now be made in this report to the criticisms of the chairman made by the minority of the committee in their addendum to the report by annexing the following memorandum by the chairman.

In the reply of the chairman to the criticisms made by the minority of the committee there is no denial of the charge that the report made was the individual work of the chairman and that the committee never took action thereon.

Mr. CUMMINS. Mr. President——

Mr. GAMBLE. Just a moment.

Mr. CUMMINS. Very well.

Mr. GAMBLE. And as following the suggestions I made, it appears that on March 2, 1901, Mr. Chandler submitted a resolution in the Senate declaring Mr. Clark to be personally responsible for the offense set forth in the report of the Committee on Privileges and Elections and addressed the Senate thereon, confessing in the very record itself that Senator Clark was directly connected with the acts of bribery named in the findings. I do not make any complaint of the Senator from Iowa [Mr. CUMMINS] for adducing this as an authority in the case, but I do protest that it is not a report of a committee upon which the action of the Senate should be bound. If he cares to cite it as the individual judgment of the Senator from New Hampshire, Mr. Chandler, I am perfectly willing it should be submitted as such, but for no further purpose. Now I yield.

Mr. CUMMINS. I think it will be remembered that during the course of my observations upon the Clark case I stated that two members of the committee dissented from the views in some respects of the majority, but that they did not dissent, either directly or indirectly—not by the remotest criticism—from that part of the report which I cited to establish the rule for which I was contending.

I understood perfectly that the report itself was written by the chairman of the committee, the Senator from New Hampshire, Mr. Chandler; but it was a report which, so far as this question is concerned, was concurred in by every member of the committee.

I stated also, as you will remember, that the Senate did not vote upon the report, inasmuch as before action could have been taken upon it by the Senate Mr. Clark made it not only unnecessary but impossible for the Senate to express its view upon the report.

Now, one word more. There was in the Clark case, just as there is in this case, the claim that Mr. Clark there and Mr. LORIMER here personally participated in the bribery practiced, or at least had such knowledge of the corrupt practices——

Mr. GAMBLE. That is, you say that is the claim made on the floor of the Senate. But, as far as the committee is concerned or the members of the subcommittee who had to do with conducting the investigation in the case of Senator LORIMER, upon that element of the case there is entire unanimity of the subcommittee.

Mr. CUMMINS. That is true. I do not distinguish the subcommittee from the full committee.

Mr. GAMBLE. That is, I mean to state there is unanimity in the committee upon this proposition, including the Senator from Tennessee [Mr. FRAZIER]; that is, that Senator LORIMER had nothing to do with bribery, if such there was, and had no knowledge concerning it nor did he participate therein. That is the element concerning which I speak.

Mr. CUMMINS. I was not distinguishing between the subcommittee, which heard the testimony or conducted the investigation, and the full committee in this respect. As I understand, the views of the minority as submitted by the Senator from Indiana [Mr. BEVERIDGE] suggest, if they do not claim, that the Senator from Illinois can not be acquitted of guilty knowledge of the bribery which occurred in his election. If that be not asserted by the Senator from Indiana in his report, it has been asserted many times upon the floor during the discussion.

Mr. GAMBLE. Yes; I made that distinction.

Mr. CUMMINS. So that, I repeat, in the Clark case there was a claim of personal participation in the bribery, just as in the Lorimer case there is a claim of personal participation or knowledge of the bribery. But the committee in the Clark case, in the portion of the report which I read during the course of my remarks, declare that, even though there were no knowledge on the part of Mr. Clark of the bribery practiced, even though there was no participation in the bribery——

Mr. GAMBLE. On that element of the case there is certainly no contention on this floor or anywhere else.

Mr. CUMMINS. Nevertheless the bribery of eight members of the Legislature of Montana on behalf—not by, but on behalf—of Mr. Clark rendered his election illegal and void. It was upon that point, and that point alone, that I cited the report of the committee in the Clark case. It has nothing whatsoever to do with the view of the committee as to the result in the event that Senators were convinced that Mr. Clark had personally participated in the corrupt practices.

Now, the only point the Senator from South Dakota, as I understand, makes against my use of the report in the Clark case is that the two dissenting members were not satisfied with the report in that it was the work of the chairman of the committee and they were not sufficiently consulted in regard to its preparation. They proceeded to point out the respects in which the work of the chairman and the work of the committee were unsatisfactory to them. But nowhere in their views do they even suggest any difference from the chairman, or from the majority of the committee, with regard to the rule laid down in the report and which I cited in the presence of the Senate.

Mr. GAMBLE. I simply wanted to call the attention of the Senator from Iowa and the Senate to the fact that I have no complaint as to his reference to the Clark case or to the manner in which he stated it, but instead of presenting it to the Senate as the finding and report of a committee, which it was not, it should have been presented as the individual view of Senator Chandler, and that alone. For the proposition of law enunciated by him in the report there was no necessity whatever, because it was extraneous, and under the findings made by Senator Chandler it showed the direct connection of Senator Clark with the act of bribery in question, and it mattered not whether there was one vote, whether there were eight votes, or whether the whole membership that voted for him—54—had been bribed.

Mr. CUMMINS. Mr. President——

Mr. GAMBLE. Wait a moment.

Mr. CUMMINS. May I ask just one question? Then I shall have finished.

Mr. GAMBLE. I have meant to yield with great respect and consideration, and I will yield for an interrogatory.

Mr. CUMMINS. Just one question more. Is there in the report itself, including the views of the minority, or is there in the debate on the floor of the Senate, as found in the CONGRESSIONAL RECORD, a dissent either by any member of the committee or any Member of the Senate to the rule which I announced as the rule of the Clark case and from which I read in my observations?

Mr. GAMBLE. Upon that question there was no debate in the Senate. Mr. Clark, then the sitting Member, addressed the Senate at length upon the facts. Subsequently Senator Chandler maintained the view which I have already stated, receding practically from his first position, and maintaining the rule that Senator Clark was directly connected with the bribery; hence it was a matter entirely immaterial whether there were one vote or eight votes tainted; and with that I leave the case.

I desire to refer briefly to the Payne case. The Committee on Privileges and Elections at that time had a distinguished and most able membership. As stated by the Senator from Iowa, there was no specific action taken by the Senate upon this case aside from the adoption of the report of the majority of the committee. This is largely true in most of the cases reported in the Senate Election Cases. The rule has been laid down and the law largely stated by the committee rather than by direct action of the Senate.

In the Payne case many resolutions, petitions, and papers were submitted to the Senate requesting an investigation. After very full consideration a majority report was made and concurred in by Senators Pugh, Saulsbury, Vance, and Eustis. A supplemental or an independent report was also submitted by Messrs. Teller, Evarts, and Logan, all agreeing with the majority of the committee that no sufficient showing had been made to justify an investigation by the Senate in the election of the Senator from Ohio. What is called the minority report was submitted by Messrs. Hoar and FRYE, and the reference made by the Senator from Iowa to that case in his speech, as plainly stated by him, was in regard to the views as to computation as stated in the minority report. I trust I am not unduly critical, but I feel I am justified in stating the facts.

When the report was made to the Senate the resolution of Senator Hoar was submitted, favoring an investigation, and a vote was had to substitute this resolution of the minority for the resolution submitted by the majority, and that was negatived

by a vote of 44 to 17. The resolution of the majority was then adopted by the same vote. If there can be any rule drawn from the minority report, it is simply on account of the individual eminence and ability of the Senators who signed it. But it certainly can not be claimed here that the Senate itself is bound by the views of the minority, when, as a matter of fact, the position of the majority was accepted instead.

I listened, Mr. President, with great pleasure and satisfaction to the closing paragraphs of the recent address in this case of the junior Senator from New York [Mr. ROOT]. He made me feel apprehensive almost of the integrity of the Senate, of the perpetuity and stability of our common country, and of human liberty the world over. I heartily and cordially indorse the splendid and patriotic sentiments expressed by him. It hardly seemed possible, while under the charm of his unusual oratory and power, that the charge even of bribery or corrupt practices, despicable as it is, could ever have been made against any Senator who has ever occupied a seat in this distinguished body and the Senate and our institutions survive.

I trust I hold as high ideals of the Senate as anyone and that the title of each Senator thereto should be unimpeachable, and that it should, in the highest sense, be unsullied from any source and free from taint or stain. For that I trust I now stand, and did I not believe the Senator in question held a good and valid and lawful title to the seat he occupies, both under the law and the facts, I would unhesitatingly vote for his exclusion.

But, Mr. President, no one is entirely free from unjust charges or aspersions, born often in malice. In this connection I recall the case of John J. Ingalls, then a Senator from Kansas. It is reported in Senate Election Cases. Charges were made and submitted to the Senate claiming that 22 members of the legislature that voted for him and which resulted in his election had been bribed to do so, and that his election to this body was invalid and that he should be expelled. The testimony is printed in full, but there are no findings of fact or conclusions made by the committee in its report. The report itself is most limited. I will read simply the resolution submitted by the majority of the committee in the case:

*Resolved*, That the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. John J. Ingalls to the Senate to obtain for him the votes of members of the Legislature of Kansas in the senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor. Nor is it shown that Senator Ingalls authorized acts of bribery to secure his election.

The report submitted by the minority, consisting of Senators Cameron, Logan, and Hoar, is as follows:

We concur in part of the report. We exonerate Mr. Ingalls from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that when the report goes further and finds that persons favoring Mr. Ingalls's election were guilty of such practices, it should in justice state what was clearly and unquestionably proven—that such means were employed in opposition to his election.

So, Mr. President, in the election of Senator Ingalls we find that corrupt practices and bribery prevailed upon both sides in this contest. There were not enough votes corrupted or purchased to affect the result of the election, and this without the knowledge, consent, or approval of Mr. Ingalls. Yet in the election it required 85 votes to secure a lawful majority. The record discloses, however, that Mr. Ingalls received 86, only one more than a legal majority. Yet, Mr. President, notwithstanding these charges and the great humiliation that must have come to him and the people of his State, his record here was so conspicuous and unique they were soon forgotten, as well as his defamers. When a few years since his people were seeking out their most distinguished and representative name in the whole history of their great Commonwealth, the choice rested upon that of John J. Ingalls, against whom these calumnies and unjust charges had been hurled, and his marble statue worthily adorns the sacred place in this Capitol as an honor to the State he loved and to the country he so conspicuously served.

### FORT TRUMBULL.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 30149) to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service, to report it without amendment (S. Rept. No. 1135), and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### UNITED STATES CIRCUIT JUDGES.

Mr. BACON. Mr. President, I offer a resolution, which I ask may be read, and I desire to say just two or three words before any action is taken in reference to it.

The PRESIDING OFFICER. The Secretary will read the resolution (S. Res. 339) submitted by the Senator from Georgia.

The Secretary read as follows:

*Resolved by the Senate*, That the Committee on the Judiciary be instructed to investigate and report whether, in the opinion of the committee, the abolition of the circuit courts of the United States would, in effect, also abolish the offices of the circuit court judges.

Mr. BACON. Mr. President, I ask the indulgence of the Senate for only a very few moments. Yesterday we passed the bill known as the judiciary bill, I believe, in which there is an abolition of the circuit courts of the United States, not only in effect but in terms. I read the first part of section 274, which is in these words:

The circuit courts of the United States upon the taking effect of this act shall be, and hereby are, abolished.

Mr. President, I want to call the attention of the Senate to the fact that it is a very grave question whether the abolition of the circuit courts of the United States does not abolish and vacate the offices of the judges of the circuit courts of the United States and end the tenure of the officers now holding it.

It is a fundamental proposition, Mr. President, which I presume will be disputed by none, that wherever there is a statutory office created and officers appointed to perform the duties of that office, and by statute that office is abolished, the office of the officer is also abolished, and he ceases to be an officer.

Mr. President, the judges of the circuit courts of the United States have no office except that of judges of the circuit court of the United States. They are so nominated, so confirmed, and so commissioned. That is their entire tenure of office. They are circuit court judges of the circuit courts of the United States. They are denominated in the law "circuit court judges." It will not do to say that the office of circuit court judge has been transformed into the office of judge of the circuit court of appeals. There is no such office. There is no such officer as a judge of the circuit court of appeals. A judge of the circuit court is authorized to sit in the circuit court of appeals, and a judge of the district court is also authorized to sit in the circuit court of appeals, but there is no officer known to the law as the judge of the circuit court of appeals.

The only officer known to the law with reference to the circuit court is the judge of the circuit court. He may sit in the circuit court of appeals. A district judge may also sit in circuit court of appeals. But when you repeal the office of circuit court it is a very grave question—I will not announce it as a final conclusion——

Mr. HEYBURN rose.

Mr. BACON. I hope the Senator will pardon me until I get through stating my proposition. I will then listen to him with pleasure. It is a very grave question whether the office of circuit judge does not go with it.

I want to read an authority on that subject. I hold in my hand a Kentucky report, First Dana's Reports. In the case of Bruce *v.* Fox the question was brought into issue whether or not the repeal of an office created by statute, the abolition of the office, did not at the same time abolish the officer and end his tenure. Here is what the court of appeals of Kentucky, the highest court in the State, said on that subject. I can not stop to read all of the case, and I do not propose now to go into any elaborate discussion of it. I simply want to call the attention of the Senate to the gravity of the question. The Senator from Kentucky [Mr. PAYNTER], with pardonable pride, says to me that the reports of this court are so good I ought to read all of it, but I am satisfied that time does not now permit. The court says:

The office must continue as long as the law which created it shall continue, and no longer. The legislature, when it declared that the law should continue in force for two years, meant no more and could have done no more, than to say that the law should continue for two years, unless sooner repealed, and should continue to operate no longer than two years, unless, before the expiration of that time, its operation should be prolonged by the legislature. Had the law been enacted without any legislative attempt to limit its operation, the office which it established would have continued to exist as long as the law should have remained in force, and no longer. A repeal of the law by the legislature next succeeding that which enacted it would have abolished the office; and there being no office, there could be no officer; for, if the constitutional tenure be "good behavior," and the continuance of the office (and not the continuance of the circuit courts), then, as the office is only legislative in its creation, it may be abolished by legislation, and when thus abrogated, the incumbent is ipso facto out of office.

Mr. President, as I said, this is a big question to be discussed at this time, and in offering the resolution I did not propose to discuss it at length now. I desired that it should be inquired into, in view of the action of the Senate on yesterday.

I am told aside by the Senator from Kentucky, who himself was at one time a judge of this court, that the judge who pronounced the opinion from which I read was the greatest judge who ever occupied that bench.

As I was saying, Mr. President, my object in calling the matter to the attention of the Senate now is that there may be a consideration of this question. It may be that it is not important that the Judiciary Committee should examine it, because the attention of the lawyers who are on that committee being called to it, they will have further opportunity to investigate it. But I do think it illustrates the unwisdom in a matter of this gravity of proceeding upon it as we did yesterday afternoon, and it illustrates the importance that matters of this gravity shall be referred to the law committee of the Senate, or if that is not done, that the Senate, composed as it is in the main of lawyers, shall give questions of this character more careful examination than was given in this case.

The very fact, Mr. President, whether this be decided the one way or the other, that so grave a question as this should have escaped the attention of the Committee on the Revision of the Laws and have no discussion whatever, and should have escaped the attention of the Senate when it came to pass it, illustrates the importance of great deliberation in the enactment of such legislation.

Mr. HEYBURN. Mr. President, the committee did not overlook this question or its importance. It occupied the attention of the committee for many days and received the closest consideration.

I think the Senator from Georgia has overlooked section 116 in the bill. The circuit judges, both in existence and to be hereafter appointed, are assigned to duties just as they were assigned in the original act creating the circuit courts. I do not mean with the same assignment, but in the same manner. The circuit judges are not dispensed with nor are their duties in any way changed, so far as the administration of the law is concerned.

Section 116 makes provision of the same character and of the same binding force as was made in the original act which created the circuit courts or provided for circuit judges.

Mr. CLARKE of Arkansas. I ask the Senator from Idaho to read section 116.

Mr. HEYBURN. I will read the section at the request of the Senator from Arkansas. Perhaps I had better read section 115 in connection with it. Section 115 provides as follows:

SEC. 115. There is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Those words are practically the same as those used in the creation of the court originally.

SEC. 116. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit.

Following that are the provisions assigning these officers to their duties. No question was raised in the enactment of the circuit court of appeals law. It was not thought at that time that the conferring of additional or other duties upon these judges in any way affected the existence of their office.

The circuit court was the name of a court with a defined jurisdiction. The judges were merely named in connection with the performance of those duties and the exercise of that jurisdiction. Now, we have done nothing different, either in effect or substance, in the bill. We have provided that the circuit judges shall perform their duties in both the circuit court of appeals and in the district court. It is only a change of name in the district court, the jurisdiction of the circuit court being transferred to that court under the name of the district court.

If this were the first legislation upon the subject of circuit judges or of circuit courts, there would be experienced no difficulty in applying it to existing conditions. We may abolish, and have abolished courts before; we have created courts; and we have assigned judges as judges to the performance of the duties in those courts.

Should the resolution introduced by the Senator from Georgia go to the committee of learned lawyers who constitute the Judiciary Committee of this body, I think they would require but slight investigation to convince them of the fact that the committee has simply carried forward the duties that rest upon those judges as applied to the reorganization of the judiciary system. I think the Senator will find that Congress has always maintained its right and exercised its duty in the assignment of the judges. These courts are statutory courts. They are provided for under Article III, section 1, of the Constitution of the United States, which reads:

The judicial power of the United States shall be vested in one Supreme Court—

That Congress could not change—

and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Mr. RAYNER. May I ask the Senator a question, just for information?

Mr. HEYBURN. Certainly.

Mr. RAYNER. Suppose the Supreme Court is a statutory court and the Supreme Court was abolished and the Supreme Court Judges had been assigned to the circuit courts, does the Senator from Idaho think they should perform circuit court duties after the Supreme Court was abolished?

Mr. HEYBURN. I do not see the necessity of the inquiry, with all deference to the Senator from Maryland, because we have not power to abolish the Supreme Court.

Mr. RAYNER. I say, if it was a statutory court. Let us take any statutory court. I am just asking principally for information, because, of course, I have not come to any conclusion upon it. You abolish the circuit courts. With the circuit courts go the judges of the circuit courts. The circuit judges have been assigned to certain appellate duties, but you abolish the court over which they were appointed by the President. Because they have been assigned to certain appellate duties, does the Senator claim that the judges of that court exist, though the courts over which they have been appointed have been abolished?

Mr. HEYBURN. Mr. President, it is not necessary to go very far into that field of inquiry. The thing that is created is the court. The judges are appointed as individuals for life in the United States courts. It might be that Congress, acting unwisely, would abolish the functions of those judges, but they are judges for life. There is no complication at all arising out of this situation, because it provides in terms for the performance of judicial duties by these men who have been appointed; and it matters not what you call them, whether you call them circuit judges or judges of the circuit court of appeals or United States judges authorized and directed to sit in the district court.

Mr. RAYNER. Mr. President, let me ask the Senator a question, just for information. The Senator says these judges have been appointed for life. Over what courts have they been appointed for life?

Mr. HEYBURN. They are appointed as judges.

Mr. RAYNER. Over what court?

Mr. HEYBURN. The law does not say over what court they may preside, except as it is applied in each of these three jurisdictions.

Mr. RAYNER. The Senator is mistaken, I think.

Mr. HEYBURN. I think if the Senator had heard my complete sentence he would hardly have criticized it in that way.

Mr. RAYNER. I will hear the Senator.

Mr. HEYBURN. The law has provided for three courts in which these judges may perform their judicial duties. That is as much a provision of law as is that provision creating the court.

Mr. RAYNER. The point I make is that they perform their judicial duties as judges of the circuit court, and you abolish the court over which they are judges; they are not performing their duties as judges of an appellate tribunal; they are performing their duties as judges of the circuit court; you take away the foundation upon which the appointment is made, and you leave them nothing except a bare assignment of duties without the judicial functions for which they were appointed.

Mr. HEYBURN. They are not performing duties in the circuit court when they are sitting in the circuit court of appeals. Neither are they performing duties in the circuit court when they are sitting in the United States district court. They are performing the duties of the court to which they are assigned. They are United States judges appointed for life. We have not incorporated any embarrassing question into this law, because we have not allowed for any condition that would result in a judge being unassigned.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. BACON. The Senator says they are appointed as judges for life. The question I desire to ask the Senator is this: Suppose the court were abolished and nothing more said, and there were no other duties to which they were assigned, would the

judges still be judges entitled to draw the salaries for the balance of their lives?

Mr. HEYBURN. The difficulty of the Senator's question is that such conditions do not exist.

Mr. BACON. I am speaking of that for an illustration. Such a case could exist; and if the proposition is true in one case, it would be true in the other.

Mr. HEYBURN. We were not considering conditions that might exist. We were dealing with existing law and we were providing occupation for United States circuit judges. The fact exists that they always perform duties outside of the circuit court, and they were as much judges of the courts in which they performed those duties as though the circuit court had existed in name only, with nothing to which its jurisdiction would attach. They would, nevertheless, be the judges of the courts to which they had been assigned for duty by Congress, which possesses that power. We have not changed it.

Mr. RAYNER. Mr. President, just as a matter of information, let us take this case: Suppose the judges of the supreme court of the District of Columbia were assigned to appellate duties, and Congress passed a law abolishing the supreme court of the District of Columbia, would not the judges go with the court? I ask the Senator if, in his opinion, the judges would still have a right to perform the appellate duties to which they are assigned, when the court over which they had been appointed was abolished.

Mr. HEYBURN. If the appellate duties to which they were assigned did not grow out of their duties in the court the name of which was written in their commission. In other words, they are as much judges of the district court or of the circuit court of appeals as they are judges of the circuit court. You may eliminate one portion of the duties that rest upon them under the law, but you do not eliminate their duty or their jurisdiction to sit in the other courts to which by a solemn act of Congress they have been assigned as the presiding officers.

Congress, first creating a circuit court judge to sit in the circuit court, afterwards enlarges the jurisdiction of that judge, or rather the scope of his duties, by making him as well qualified to sit in two other courts. Would it be contended that we had made no provision for judges to sit in the court of appeals or in the district court because we had abolished one of their functions, which was to sit in the circuit court? These are United States judges, they are United States circuit judges, they are United States district judges, or judges of the circuit court of appeals as they may exercise the functions of those several offices.

Mr. OVERMAN. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. OVERMAN. We have created what is known as a Customs Court and some judges have been appointed to hold for life in that court. Suppose we should repeal the law creating the Customs Court, would those gentlemen still hold as judges, and what would be their jurisdiction?

Mr. HEYBURN. If I were to take up that question I probably would invade a new field of inquiry as to the status of those judges, but I am dealing now with courts of general jurisdiction. The three courts I have enumerated are courts of general jurisdiction. I do not feel impelled at this time to enter into the question as to the effect upon the tenure of office of a judge of a court of limited jurisdiction, because it does not enter into the consideration of this case.

The courts of general jurisdiction were created naturally at the beginning of the Government, but not all of them. As conditions expanded, it was found necessary to create other courts and to provide for the executive and presiding officer in those courts. We did that not by creating new judges in all cases, but by assigning judges with a life tenure to the performance of those duties. It was a perfectly harmonious system, and we have not changed it in one iota. We have carried that system of judges performing duties by assignment into this law. Senators will find, I think, with patient observation, that there will be no embarrassment whatever. We have provided for judges according to the offices that have been created and for the assignment of the judges to the performance of the duties in those offices.

I do not intend to prolong this discussion. I assume that the adoption of the resolution and the reference of the matter to a committee of this body will not embarrass the situation, because when this law goes into effect it may await the academic question or the opinion of that committee.

The Senator seems to resent the fact that this question did not go to the Judiciary Committee of this body. I do not intend it, of course, in an offensive sense in any manner, but for 20 years Congress has been endeavoring to crystallize the necessity of the law and bring together and mold into a concrete and practical form the various statutes that have been enacted since the revision of 1878. It was a great necessity. The Judiciary Committee of this body, of which the distinguished Senator from Georgia is a member, who commands the respectful attention of everybody, has through all these years evidently been of the opinion that this duty could best be delegated to a joint committee of the two Houses of Congress.

I will not enter upon a consideration of the qualification of those Members, even eliminating myself from their number, but there has been no objection during all these years of expensive inquiry and patient consideration to the manner in which the laws of the country were being codified and molded into a useful and convenient form.

When we come in here with the result of years of labor we are met with a proposition that the question should not have been submitted to the joint committee of the two Houses, but that it should have gone to a standing committee of this body. That standing committee has stood by during all these years with a full knowledge (and we are bound to presume they have full knowledge because it is a measure that has been before them continually) of what was being done. Of course, under this resolution I do not for a moment assume the Senator from Georgia thinks that that committee could influence, or direct, or control the work of the joint committee of Congress. A joint committee of Congress represents both Houses, and when compared with it, it is not less in either power, jurisdiction, or intelligence than a standing committee of either House. The members of this committee are lawyers who have been engaged in the practice of the law through a long, active lifetime; they come well equipped for the performance of these duties, and it is late in the day to raise the question as to whether they are competent to deal with these questions.

If the Senator could point out that in the body of this bill there was a failure to make provision for the assignment or the duties of these judges, then we might have something tangible to which to direct our minds, but to make a general objection to the work of this committee—and all committees of this body are of equal dignity and everyone the peer of the other—does not seem to me to call forth the serious consideration of this body.

Mr. BACON. Mr. President, the Senator can not say more in favor of the dignity, ability, industry, and capacity, and in every respect of the lawyers constituting that committee than I would say for them myself. I do not know how I can add to that, because the Senator has spoken in such terms that possibly it would be difficult to speak in superior terms of that committee, to all of which they are justly entitled.

I do not, Mr. President, occupy the position to which the Senator would assign me. I do not say that the entire work of this committee ought to go to the Judiciary Committee. I recognize the fact that the appointment of the committee in the original contemplation of the scope of its duties was a very wise and proper thing to do. In the enactment of statutory laws necessarily there are some inconsistencies between different statutes. There are some things which are not properly expressed. There are some things which in different statutes are duplicated. There are some things which are found in one statute which properly belong under a different subject matter. Those are the things which it occurs to me are properly within the jurisdiction of a committee to which has been assigned the task of a revision of the laws, and I think it is one which properly occupied the time and the diligence of that committee, and that they performed their work most admirably well.

But, Mr. President, I do suggest that changes in the law, especially radical changes, not changes necessary simply to reconcile inconsistent statutes, but changes in the law which go to the very framework of our judiciary system, are not within the scope of a committee charged with the revision of the laws.

All that I desire the Senator from Idaho should understand my intention to be is that where the committee, justified if you please by the urgency of the need, has gone outside of the ordinary work of a committee on the revision of the laws and framed laws, repealing laws relating to the most important part of our judiciary system, according to the view of some of us, and seeking to make changes in the laws, those are proper questions to go before the collaborating work, if you please, of other committees, not that they would overrule them, but that the Senate, which at last is the body to pass upon the work, may have the advantage not simply of the investigation of one committee but of two committees.

It is true that most Senators are lawyers; and I have no doubt it is true that there are lawyers in the Senate who are fully the equal, if not the superior, of the lawyers who are on the Judiciary Committee, among whom the illustrious Sen-

ator from Idaho is certainly to be classed. I say that with all earnestness. We all recognize him as a lawyer of the highest capacity and learning; and there is no disparagement in asking that a matter of such gravity as this shall go to the committee which the Senate has selected as that particularly charged with the consideration of law questions.

That much I say in order that there may be no basis for what the Senator would assume to be a reflection upon the joint committee in offering this resolution. It is not a reflection. And I want to say to the Senator and to the Senate that the suggestion that these matters should go to the Judiciary Committee did not originate with me and it did not originate with lawyers who are on the Judiciary Committee. Some of the most eminent lawyers of this body, some possibly not quite so frank and outspoken as I have been so imprudent as to be, have said to me, and have said to others, that where important changes have been made in the law by this committee they should go to the Judiciary Committee.

Mr. President, coming back, I wish to say a very few words in reply to what the Senator said in reference to the question which brought up this debate. I do not desire that the debate shall be continued, because I do not myself profess to be ready now to discuss the question elaborately. I have very grave apprehension, however, that the point suggested by this resolution is one of not the ease of solution which the Senator from Idaho would suggest, and I think, from the inquiries which have been made of him by other lawyers in this body, that he himself, possibly, has now reached the conclusion that when the Judiciary Committee comes to deal with it they may not find it a matter in which the answer lies upon the surface, but they may have to dig a little deeper to find one which will be entirely satisfactory to themselves.

Mr. President, I want to say one thing in response to the suggestion of the Senator about the assignment of judges from one court to another court. While I do not profess to be thoroughly familiar with every statute which has been passed by Congress in the more than a hundred years of its existence, I am sure the Senator can not find a case where there has been the abolition of a court and the assignment of the judges of that court to the duties of another court.

Why, Mr. President, would that be an impossibility? Simply because when you destroy one court and take its judges and say they shall perform the duties of another court you have invaded the requirement of the Constitution that for every court the judges shall be specifically appointed, that they shall come to this Senate under the nomination of the President and be confirmed by the Senate.

What right have we to create another court? What right have we to destroy one court and say that the judges who have heretofore been nominated by the President and confirmed by the Senate shall go and be the judges of that court? Mr. President, manifestly when the court is destroyed, if the powers of those judges are the powers of that court and they have been appointed as the judges of that court, their office falls with it—falls with the court to which they were appointed.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. HEYBURN. Mr. President, I take it that the court does not consist of a physical object. The court is a question of jurisdiction.

Mr. BACON. Yes.

Mr. HEYBURN. If that jurisdiction is transferred to a tribunal bearing another name, the court is not destroyed, because the jurisdiction, which is the court, is maintained under a different name.

Mr. BACON. But, Mr. President, in this case we absolutely say the court is abolished, and we use the word. It is abolished, destroyed; it no longer exists.

Now, I want to call the Senator's attention to the fact—and I assented to his first proposition because I thought he was going to allude to a fact which I will now mention—that the judges of the circuit courts have no jurisdiction conferred upon them, no powers conferred upon them as judges, except the power to exercise the powers of the circuit court. That is the enumeration of their power. The Senator will search the statutes in vain to find an enumeration of the powers of judges. He will find the enumeration of the powers of the court. The judges are appointed as the judges of the court, and consequently are charged with the duties and powers of the court.

Mr. President, the history of it is simply this: Originally there were no circuit judges. We had a Supreme Court organized under the requirements of the Constitution. We had certain circuits organized, and we had a statute that the several judges of the Supreme Court, corresponding in number to the circuits, should each of them be assigned as a circuit justice; and they were the judges of those courts. Then, Mr. President, there was no enumeration there of the powers of the circuit justices, but we have page after page of the enumeration of the powers of the circuit courts; that they shall have power to do so-and-so and so-and-so, and all of those powers were the powers of the circuit justices. Then in 1867, 1868, or 1869—I have forgotten the exact year—Congress passed a law creating a circuit judge for each of these circuits. It did not say this circuit judge shall have such powers and such powers, but it said that the circuit judges should exercise the same powers in those circuits that the circuit justices had exercised, consequently coming back to the same definition of powers, which is the recitation of the powers of the court. Now, to say that you can abolish that court, destroy it, take away every power of it, and that the judge, who has no power except from the fact that he is a judge of that court, survives it, it seems to me is illogical in the extreme.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Mr. President, does the Senator from Georgia say that the circuit judge is appointed as a judge of the circuit court?

Mr. BACON. He is appointed as the judge of that circuit, and in the same section he is spoken of as the judge of the circuit court.

Mr. SUTHERLAND. As it appears to me, the distinction is a very important one.

Mr. BACON. What is he appointed for, if he is not appointed the judge of a court?

Mr. SUTHERLAND. The law provides that for each circuit a circuit judge shall be appointed. The law does not provide that for each circuit court a circuit judge shall be appointed.

Mr. BACON. Mr. President——

Mr. SUTHERLAND. If the Senator will hear me through—the law provides that for each circuit a circuit judge shall be appointed. Then the law continues and provides that circuit courts shall be established and designates the districts which shall constitute the various circuits of the United States. Then the law proceeds that circuit courts shall be held by a circuit justice—that is, a Justice of the Supreme Court of the United States—or by a circuit judge of the circuit or by a district judge. Now, does the Senator from Georgia contend that if we abolish the circuit court each one of those judges is abolished, because the law provides that each of them may hold that court? The Senator's position, it seems to me, would go too far.

Mr. BACON. Not at all.

Mr. SUTHERLAND. Because, if he is correct in saying that when we abolish the circuit court the circuit judge that the law provides shall sit in that circuit court is also abolished, then he must hold that the Supreme Court Justice, who is also designated to hold that court, is abolished, and that the district judge, who is also designated to sit in that court, is likewise abolished.

Mr. BACON. Is the Senator through with his question?

Mr. SUTHERLAND. Yes.

Mr. BACON. Mr. President, a great many years ago, when I read Blackstone, I came across a very mysterious expression in that work which I could not then understand, and it is very difficult to understand, but it is easy of illustration, and that is the expression "sticking in the bark." That sounds very strange to a novice or a layman. Now, I say one of the best illustrations that I have ever known of the expression "sticking in the bark" is that given this afteroon by the Senator from Idaho when he said that the appointment of a judge as the judge of a circuit in which there is a circuit court, and only a circuit court as the judicial feature of it, is not an appointment for the circuit court of that circuit. That is an illustration of sticking in the bark, and one of the best I have ever known.

Mr. SUTHERLAND. Does the Senator——

Mr. BACON. I have not finished answering the Senator's question, but I will yield to him further if he desires it.

Mr. SUTHERLAND. Will the Senator permit me right there to ask him a question?

Mr. BACON. Yes.

Mr. SUTHERLAND. I am not going to undertake to say whether the Senator from Georgia or myself is sticking in the bark; that depends wholly upon the point of view; but I ask the Senator from Georgia whether, when the statute simply says that a circuit judge shall be appointed for each circuit, that necessarily means, without going any further, that the circuit judge is appointed to preside over a particular court called the circuit court?

Mr. BACON. Has the Senator completed the question?

Mr. SUTHERLAND. If the Senator——

Mr. BACON. Let me answer the question, if the Senator has asked it. I say undoubtedly, yes; when prior to that time there had been organized in each circuit a circuit court and there was a justice of each circuit court, and when in the very act which provides for the appointment of those judges it is provided that they shall preside in those circuit courts and exercise the powers that the circuit justices had exercised prior to that time.

Mr. SUTHERLAND. Mr. President, there is nothing in a name—

> That which we call a rose
> By any other name would smell as sweet.

Suppose we had said in the law that there shall be appointed a superior judge in each circuit, had called him a superior judge, instead of a circuit judge, and then had provided that that superior judge, or the district judge, or the Supreme Court Justice might hold the circuit court, would the Senator then say that when we abolished the circuit court the superior judge had been abolished?

Mr. BACON. Undoubtedly; because that superior judge should have had relation solely to that court. The Senator must certainly, when he asks a question, permit an answer to it before he goes on arguing it. The Senator went on to say that if the abolition of the court abolished the office of circuit judge, it also abolished the office of the Supreme Court Justice, who was assigned to that circuit, and that it also abolished the office of the district judge, who was authorized to sit in that court.

Mr. SUTHERLAND. No.

Mr. BACON. If the Senator will pardon me and let me finish, the two cases are extremely and utterly different. In one case the circuit judge has no powers except those of the circuit court, and they are enumerated. When they are destroyed, his power is gone. In the other case, the Supreme Court Judge has the powers of the Supreme Court, and has simply been assigned there to sit in that court, and when that court is destroyed his original position as a Supreme Court Justice remains, with all of its powers. In the same way, the district judge has been appointed as the judge of a district court with its powers, and when the circuit court is abolished the district judge remains the judge of his court, with the original power which is appointed for the particular court with reference to which his name has been attached.

Mr. SUTHERLAND. Now, Mr. President, the Senator from Georgia confounds his own argument better than I could have done it myself.

Mr. BACON. The Senator is under very great obligations to me, then.

Mr. SUTHERLAND. I am under obligations to the Senator. The Senator says we will not abolish the office of Supreme Court Justice because the Supreme Court Justice has other duties to perform. So has the circuit judge. We have provided that the circuit judge shall not only preside over the circuit court, but that he shall sit as one of the constituent members of the circuit court of appeals. We have provided by recent legislation that certain circuit judges shall constitute the Commerce Court. We do not abolish the office of circuit judge because we take away from the circuit judge some of the duties which have been prescribed for him by law, any more than we abolish the office of the Supreme Court Justice or he district judge when we take from either one of them some of the duties which have been conferred upon those officers by law. So long as there is anything left for those judges to do, certainly the office continues.

Mr. BACON. The Senator did not quote me correctly when he laid himself under obligations to me for saying that I had saved him the trouble of confounding me by confounding myself. I did not predicate the argument upon the statement that the Supreme Court Judges have other duties to perform. I predicated it upon the argument that the Supreme Court Justice had other powers conferred upon him.

Mr. SUTHERLAND rose.

Mr. BACON. I have allowed the Senator to go on and make his speech in my time, but he will not permit me to answer him at all.

Mr. SUTHERLAND. I am not interrupting the Senator. I had simply risen.

Mr. BACON. I do not object to interruption if the Senator permits of proper rejoinder on my part. I did not say, I repeat, that that judge had other duties to perform. I said that his original powers remained and were in nowise impaired by the fact that a court to which he had been assigned had been destroyed. That is true both of the circuit justice who goes to the circuit court to preside, and of the district judge who comes up to the circuit court to preside; but when the court of the circuit judge is destroyed his original powers are destroyed with it, if the decision in the Kentucky case is correct—and I do not think there can be any question about the correctness of it as a legal principle. In the same way with the district judge, when his court is destroyed, there is nothing left for him to do.

I repeat the suggestion which I made that the provision in section 116, or whatever the number was, to which the Senator from Idaho alluded, can not in any manner save this question. You can not destroy the court of which a judge is an officer, destroy all the power in that court, and consequently take from him all the powers which he had only through the enumeration of powers as the powers of that court—you can not do that, and then say to him "we will create another court and assign you to duty." So long as you have a judge of the court you can say that he shall sit in another court so long as his doing so is not inconsistent with his original appointment in any way.

A judge of the Supreme Court can be assigned to duty in the circuit court because he can do that and not have to exercise functions which are inconsistent with his position as a Justice of the Supreme Court. You can say that a judge of a district court can be assigned to duty to a circuit court or to the circuit court of appeals, because that in no manner militates against the proper discharge of his duty as a district judge; but you can not say that you will utterly destroy the court in which he is a judge and create another court, and transfer him to it. If there is another court created, and he is to be transferred to it, his nomination must be sent to the Senate and must be confirmed by the Senate, and his appointment must be in pursuance of such nomination and such confirmation.

But, Mr. President, I had no idea when I introduced my little resolution that a matter which is so extremely plain to the Senator from Idaho, which lies so directly upon the surface, should have led to this extended debate. I think the Senator perhaps by this time has come to the conclusion that it may hereafter exercise the proper consideration and thought not only of the Judiciary Committee, but of the committee which he said had heretofore so summarily and easily disposed of what appears to be quite a complicated and difficult question.

Mr. HEYBURN. Mr. President, I would say to the Senator from Georgia that the Senator from Idaho has not changed his opinion in regard to this matter. I think every point that has been discussed was thoroughly gone over in the committee, which consisted of Members of both Houses, and I have not seen any new light on the question.

Mr. SUTHERLAND. Mr. President, so far as I am concerned I have no objection to the reference of this question to the Judiciary Committee. I am a member of that committee and also of the committee which prepared the judicial code; but it does seem to me that the Senator from Georgia is borrowing unnecessary trouble about this question. Section 607 of the Revised Statutes of the United States provides that—

> For each circuit there shall be appointed a circuit judge—

I may stop there long enough to say that the name given to the circuit judge is wholly immaterial. As I have suggested to the Senator from Georgia, that judge might as well have been called a superior judge. Suppose that the statute had read "For each circuit there shall be appointed a superior judge," or simply "a judge," as the Senator from Minnesota [Mr. NELSON] suggests to me. Then the statute proceeds, in section 608, and says:

> Circuit courts are established as follows.

Again the name was a mere accident. They might have been called by some other name; they might have been called superior courts instead of circuit courts. But the section reads:

> SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

Then, section 609 provides:

> Circuit courts—

Again, bearing in mind that the name is wholly immaterial, that we may substitute "superior courts" for "circuit courts"—

> Circuit courts shall be held by the circuit justice—

That is, by a Justice of the Supreme Court—

> or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

So that the circuit court and the circuit judge are in no sense bound together. The circuit court may be presided over without there ever being a circuit judge present at all; and, as a matter of fact, that is the case to-day in some districts. It is very rare indeed in the western part of the United States for a circuit judge to preside over the circuit court. It is held by the district judge.

When we come to abolish the circuit courts, we have done nothing more than take from the circuit judge a portion of the duties which the circuit judge has been assigned under the law to perform, just as we have taken from the district judge a portion of his duties, and just as we have taken from the Supreme Court Justice a portion of his duties; but the abolition of the court does not in any manner affect the different officials who are directed by the law to hold the court.

The provision of the Constitution is that not only the Judges of the Supreme Court, who are created by the Constitution, but that the judges who are provided for by act of Congress "shall hold their offices during good behavior." Certainly, Congress has no power to abolish an office that the Constitution itself declares shall exist during the good behavior of the incumbent.

In addition to that and in addition to the section which the Senator from Idaho quoted, section 116, in order that it may go into the RECORD, I call attention to another section to which the Senator from Idaho did not direct attention. Section 283 of the judicial code provides:

SEC. 283. That the repeal of existing laws providing for the appointment of judges and other officers mentioned in this act shall not be construed to affect the tenure of office of the incumbents except the office be abolished.

In other words, the tenure of those now holding these courts shall not in any manner be affected by the repeal of the laws, unless the office itself shall be abolished. Of course the office of circuit judge is not abolished. That applies to the office of some of the clerks that have been abolished, so that the continued existence and tenure of these judges is amply safeguarded by the provision of the law to which the Senator from Idaho called attention as well as by section 283 of the proposed new code.

The VICE PRESIDENT. Without objection, the resolution submitted by the Senator from Georgia [Mr. BACON] will be referred to the Committee on the Judiciary.

### THOMAS N. BOYLE.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (S. 7650) for the relief of Thomas N. Boyle.

Mr. FLETCHER. Mr. President, I dislike to object to that request, but I have been endeavoring to secure unanimous consent for the consideration of some purely local bills, and I have been unable to do so. It seems to me that in all fairness we ought to take up the calendar and proceed in the regular way; otherwise it does not seem that we shall ever reach the bills upon which I have been endeavoring to secure action.

The VICE PRESIDENT. Does the Senator object or demand the regular order? The Senator said he disliked to object.

Mr. FLETCHER. I will not object, if I am treated in the same way.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 7, after the word "as," to strike out "captain" and insert "a private," and in line 9, after the word "the," to strike out "18th day of July" and insert "4th day of September," so as to make the bill read:

*Be it enacted, etc.*, That Thomas N. Boyle shall hereafter be held and considered to be entitled to all of the rights and benefits that he would be entitled to on account of military service, except pay, bounty, and other emoluments, if he had been continuously in the military service of the United States as a private of Company C, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, from the 4th day of September, 1862, to the 23d day of October, 1862, when he was mustered in as captain of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and had been honorably discharged on the 28th day of October, 1862.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. Mr. President, I ask unanimous consent that we now take up and consider the pension bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McCUMBER. I ask first for the consideration of the bill (H. R. 30886) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 6, to strike out:

The name of Alfred B. Ebner, late of Company A, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 2, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of William O. Lee, alias Oscar Dickinson, late of Company M, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 7, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Roger Burns, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 1, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Hugh L. W. Bearden, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Eli Bryson, late of Company I, Thirty-fourth Regiment Indiana Volunteer Infantry, and Company F, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 21, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Thomas P. Treadwell, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Ferdinand Peters, late of Company D, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 68, line 5, after the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Alonzo Maddocks, late of Company E, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 69, after line 4, to strike out:

The name of David Bracken, late of Company B, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 6, to strike out lines 17, 18, 19, and 20, in the following words:

The name of Presley J. Barrick, late of Company I, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Thomas W. McClellan, late of Union Light Guard, Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 7, to strike out:

The name of Joseph Connery, late of Company I, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Myron Taylor, late unassigned, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the name "Riley," to strike out "John" and insert "James," so as to read "James Riley."

The amendment was agreed to.

The next amendment was, on page 20, line 20, before the word "dollars," to strike out "thirty-six" and insert "fifty," so as to make the clause read:

The name of Edwin L. Hayes, late lieutenant colonel, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of Richard T. Booth, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 2, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

The name of Henry Ferris, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 7, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Modecai Tyler, late of Company E, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 20, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Robert A. Cony, late of Company E, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 1, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the clause read:

The name of Maria Raum, widow of Green B. Raum, late colonel Fifty-sixth Regiment Illinois Volunteer Infantry, and brigadier general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 31172) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered by the Senate as in Committee of the Whole. It proposes to pension at the rates stated the following persons:

Jacob Souder, late of Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, $30.

Richard H. Bartlett, late of Company G, First Regiment Illinois Volunteer Cavalry, $30.

William A. McGinety, late captain Company E, Seventh Regiment Kentucky Volunteer Cavalry, $36.

Jeremiah F. Blanchard, late acting ensign, United States Navy, $30.

Hugh Haggerty, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, $30.

John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, $24.

James C. Brown, late of Company C, Sixty-ninth Regiment Ohio Volunteer Infantry, $30.

Mary A. Hartshorn, widow of Dana W. Hartshorn, late surgeon, United States Volunteers, $25.

John Blevins, late of Company D, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, $40.

George B. Black, late of Company H, Sixty-sixth Regiment Ohio Volunteer Infantry, $24.

William Arey, late of U. S. S. *Ohio*, *Minnesota*, and *Alert*, United States Navy, $24.

Harry G. Morton, late of Company E, First Regiment Maine Volunteer Heavy Artillery, $24.

Hannah Lee, widow of Joseph A. Lee, late of Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, $20.

Eli Avery, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, $30.

Elmer Strickland, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, $30.

John Blue, late of Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, $24.

Oscar H. Ford, late of Company H, Thirty-sixth Regiment Illinois Volunteer Infantry, $30.

Lemuel Dougherty, late of Company F, Forty-seventh Regiment Indiana Volunteer Infantry, $24.

Asa N. Callahan, late of Company B, Sixth Regiment Iowa Volunteer Infantry, $24.

James A. Dunlap, late of Company B, First Regiment, and Company L, Third Regiment, Wisconsin Volunteer Cavalry, $30.

Frederick R. Miller, late lieutenant colonel One hundred and forty-fourth Regiment Ohio National Guard Infantry, $30.

Samuel Blush, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, $30.

Joseph Lewis, late of Second Battery Iowa Volunteer Light Artillery, $24.

Horatio N. Jenks, late of Company F, First Regiment Michigan Volunteer Cavalry, $30.

Josiah Ackerman, late of Company B, Fifty-first Regiment Pennsylvania Volunteer Infantry, $24.

Albert Miller, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, $30.

George W. McMullen, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $30.

Elijah Knapp, late of Company I, Second Regiment Maine Volunteer Cavalry, $30.

Adoniram Judson Morgan, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company I, Sixth Regiment Michigan Volunteer Heavy Artillery, $30.

William V. Hopkins, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, $30.

Reuben Hurley, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, $24.

George F. Johnson, late of Company A, First Regiment Minnesota Volunteer Infantry, $24.

William H. White, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, $24.

Jairus D. Backus, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, $30.

Thomas Cooney, late of Company C, Second Regiment Minnesota Volunteer Cavalry, $24.

Thaddeus Parr, late of Company G, Twentieth Regiment Wisconsin Volunteer Infantry, $30.

John Kinsey, late of Company D, One hundred and forty-seventh Regiment Ohio National Guard Infantry, $24.

Mathew Harris, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, $24.

Eber. W. Fosbury, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, $24.

John J. Robinson, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and unassigned, Veteran Reserve Corps, $30.

Robert Masters, late first lieutenant Company G and captain Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, $30.

Henry W. Bradley, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, $30.

George W. Robinson, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, $24.

Michael Boston, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, $30.

David Earhart, late of Company D, Second Regiment Colorado Volunteer Infantry, and Company M, First Regiment Colorado Volunteer Cavalry, $30.

Chancy W. Rickerd, late of Company I, Second Regiment Missouri Volunteer Cavalry, $30.

Joseph A. Durham, alias Joseph Anson, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, $24.

William Baird, late of Company I, Second Regiment Massachusetts Volunteer Infantry, $24.

Samuel M. Bragg, late of Company A, First Regiment Maine Volunteer Cavalry, and Company K, First Regiment District of Columbia Volunteer Cavalry, $30.

Joel P. Colvin, late of Company C, Tenth Regiment Michigan Volunteer Infantry, $24.

Frank B. Carey, helpless and dependent son of Daniel J. Carey, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, $12.

Thomas C. Boggess, late of Company I, Third Regiment West Virginia Volunteer Cavalry, $30.

Mary E. Havens, widow of Joseph H. Havens, late paymaster's clerk, United States Navy, $20.

James M. Owen, late of Company G, Second Regiment Ohio Volunteer Infantry, $30.

Hiram Hoover, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $30.

William Murlin, late of Company H, Fifth Regiment Michigan Volunteer Infantry, $24.

Henry H. Parmenter, late of Company H, Sixteenth Regiment Massachusetts Volunteer Infantry, $40.

Dorious Neel, late second lieutenant Company I, Ninety-third Regiment Indiana Volunteer Infantry, $30.

Lemuel Cohee, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, $30.

Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, $24.

Christopher C. Jones, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, $24.

John Wood, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, $24.

Ellen Hungerford, former widow of John T. Consaul, late second lieutenant Company B, First Regiment Wisconsin Volunteer Cavalry, $12.

John F. Grayum, late first lieutenant Company E, Seventh Regiment West Virginia Volunteer Cavalry, $30.

Corydon G. Ireland, late of Company E, Second Regiment California Volunteer Cavalry, $24.

Myron Heffron, late of Company B, First Regiment Michigan Engineers and Mechanics, $30.

Julius Blessin, late of Company A, Twenty-third Regiment Indiana Volunteer Infantry, $36.

John Freeman, late of Patterson's independent company, Kentucky Volunteer Engineers and Mechanics, $30.

Mary C. At Lee, widow of Goodwin Y. At Lee, late of Company A, Third Battalion District of Columbia Militia Infantry, $12.

Henry R. Playford, late of Company G, Ninety-second Regiment, and Company I, Sixty-fifth Regiment, Illinois Volunteer Infantry, $24.

Franklin D. Morton, late of Company D, Eleventh Regiment New York Volunteer Cavalry, $24.

Calvin L. Johnson, late of Company K, One hundred and forty-third Regiment Ohio National Guard Infantry, $24.

George W. Anderson, late captain and assistant quartermaster, United States Volunteers, $30.

Samuel P. Travis, late of Company H, Ninety-ninth Regiment Illinois Volunteer Infantry, $24.

Thomas Goodwin, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Hugh Price Wilson, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, $24.

Susan Reppeto, widow of John G. Reppeto, late of Company G, Eighty-third Regiment Ohio Volunteer Infantry, $20.

John H. Reid, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, $24.

William R. Grumley, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, $30.

Albert Hitchcock, late of Company H, Forty-ninth Regiment Massachusetts Militia Infantry, $24.

Albert S. Granger, late first lieutenant Company G, Eighteenth Regiment Connecticut Volunteer Infantry, $30.

Harrison C. Boyster, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, $30.

William Lehan, late of Company L, Thirty-second Regiment Massachusetts Volunteer Infantry, and Company A, First Battalion, Fifteenth Regiment United States Infantry, $30.

Charles Roth, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, $24.

Richard L. Sturges, late of Company F, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, $24.

James A. Morgan, late of Company K, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, $24.

George M. Roberts, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, $24.

David J. Bowman, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $30.

Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30.

Mary A. Charles, widow of Francis M. Charles, late of Company H, Eighteenth Regiment Indiana Volunteer Infantry, $30.

Harrison F. Roberts, late of Battery K, Fourth Regiment United States Artillery, $30.

Erastus Smith, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, $30.

Daniel Fisher, late of Company C, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, $30.

William George Stark, late of Company B, Second Regiment Iowa Volunteer Infantry, $24.

Warren P. Dwinnells, late of Company H, Seventh Regiment New Hampshire Volunteer Infantry, $24.

Orrin C. Leonard, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, $24.

Albert Koch, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, $30.

Samuel Moles, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, $24.

James M. C. Jackson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, $30.

Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, $40.

Charles A. Rowell, late of Company I, Seventh Regiment New Hampshire Volunteer Infantry, $24.

John C. Neel, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24.

Joseph Shannon, late of U. S. S. *Macedonia*, *Katahdin*, and *North Carolina*, United States Navy, and Company F, Fourth Regiment New Hampshire Volunteer Infantry, $24.

John Chandler, late of Company F, Second Regiment New Hampshire Volunteer Infantry, $50.

John C. Ward, late of Company H, First Regiment Massachusetts Volunteer Cavalry, $24.

Daniel Jordan, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, $24.

Milton Pendergast, late of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, $30.

John Gorden, late of Company I, First Regiment Kentucky Volunteer Cavalry, $30.

Victoria M. Steele, widow of Samuel Steele, late chaplain Seventh Regiment West Virginia Volunteer Infantry, $30.

Charles M. Renshaw, late second lieutenant Company H, Twenty-third Regiment United States Colored Volunteer Infantry, $30.

Silas Fish, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, $24.

Valentine Lungwitz, late of Company C, Fourteenth Regiment Connecticut Volunteer Infantry, $30.

Catherine M. Walker, widow of John D. Walker, late captain Company E, Eleventh Regiment Kansas Volunteer Cavalry, $20.

Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Infantry, $30.

James Rude, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, $30.

Michael Farrington, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, $36.

James Haggerty, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, $30.

George W. Phelps, late of Company E, Second Regiment New Hampshire Volunteer Infantry, $30.

Robert Tarbet, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, $24.

Jasper N. Kinman, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, $24.

Henry Wentworth, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, $30.

William Noyes, late of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, $24.

Warren F. Reynolds, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, $24.

Orin Kimball, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, $30.

William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, $24.

Joseph C. Kitchen, late captain and assistant quartermaster, United States Volunteers, $30.

Isaac M. Couch, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, $40.

James Lindsey, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, $24.

Jacob Pinkett, late of Company C, Thirtieth Regiment United States Colored Volunteer Infantry, and landsman, U. S. S. *Wabash*, *St. Lawrence*, and *Ben Morgan*, United States Navy, $30.

James B. West, late of Company H, First Regiment Delaware Volunteer Infantry, and Company B, First Regiment Delaware Volunteer Cavalry, $24.

John S. Smith, late of Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30.

Adelaide A. West, former widow of Lorenzo M. Atwood, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and widow of Robert C. West, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, $12.

Aaron Welty, late of Company H, Thirty-fourth Regiment Indiana Volunteer Infantry, $30.

Sarah M. Peterson, widow of Charles G. A. Peterson, late first lieutenant Company D, First Regiment Rhode Island Volunteer Cavalry, $17.

William M. Wall, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $24.

Frank E. Martell, late of Company H, Sixth Regiment Vermont Volunteer Infantry, $30.

Bethana Aseltine, widow of Alanson M. Aseltine, late of Company F, Tenth Regiment Vermont Volunteer Infantry, $12.

Lucie W. Carter, widow of Mason Carter, late captain, Fifth Regiment United States Infantry, and major, United States Army, retired, $25.

Charles M. Merritt, late of First Battery, Wisconsin Volunteer Light Artillery, $30.

George W. Carpenter, late captain Company I, and major, One hundred and sixteenth Regiment New York Volunteer Infantry, $40.

William P. D. Foss, late of Company C, First Battalion, Eleventh Regiment United States Infantry, $24.

Richard M. J. Coleman, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, $24.

Emma J. Blake, widow of William H. Blake, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment Veteran Reserve Corps, $12.

Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, $24.

Alphonso H. Mitchell, late of Company B, Twentieth Regiment Maine Volunteer Infantry, $24.

Fannie S. Haskell, widow of Joseph L. Haskell, late of Companies K and C, Fourteenth Regiment Maine Volunteer Infantry, $20.

George W. Shaw, late of Company G, Eightieth Regiment Illinois Volunteer Infantry, $30.

John B. Dean, late of Company A, First Battalion Maine Volunteer Infantry, $24.

John C. Whittaker, late of Company M, Eighteenth Regiment Pennsylvania Volunteer Cavalry, $24.

Harriet W. Wilkinson, widow of Charles Wilkinson, late second lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, $25.

Alonzo J. Mosher, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, $24.

Thomas H. Whitman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, $36.

James Jenkins, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, $24.

Timothy Egan, late second lieutenant Company F, Thirty-fifth Regiment New York Volunteer Infantry, $40.

Uriah Renner, late of Company E, Eighty-seventh Regiment Ohio Volunteer Infantry, $24.

Mahala Fausey, widow of William H. Fausey, late of Company D, Third Regiment Ohio Volunteer Cavalry, $20.

Mary V. Webster, widow of George O. Webster, late major, Fourth Regiment United States Infantry, $35.

Alonzo Hoding, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, $24.

William H. Rickstrew, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, $30.

Alice L. Walker, widow of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Cavalry, $12.

Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, $30.

Elizabeth A. Marr, widow of James B. Marr, late of Company F, Second Regiment Maine Volunteer Cavalry, $24, provided that in the event of death of Arthur R. Marr, helpless and dependent child of said James B. Marr, the additional pension herein granted shall cease and determine, and provided further that in the event of the death of Elizabeth A. Marr the name of the said Arthur R. Marr shall be placed on the pension roll at $12 per month from and after the date of death of said Elizabeth A. Marr.

John Conroy, late of U. S. S. *North Carolina*, *Otsego*, and *Wyalusing*, United States Navy, $30.

Thomas B. Pulsifer, late of Company D, First Regiment Maine Volunteer Cavalry, $50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, to report it with amendments. I desire to announce to the Senate that at some convenient time next week I shall ask the Senate to proceed to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

### CERTAIN LANDS IN FLORIDA.

Mr. FLETCHER. I ask unanimous consent to call up several local bills. The first is the bill (S. 9268) releasing the claim of the United States Government to that portion of land being a fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I now ask unanimous consent to call up the bill (S. 8736) providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I also ask unanimous consent for the present consideration of the bill (S. 8358) providing for the releasing of the claim of the United States Government to Arpent lot No. 87, in the old city of Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. I ask unanimous consent further to call up the bill (S. 9269) releasing the claims of the United States Government to lot No. 306, in the old city of Pensacola.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### CONSULAR SERVICE OF THE UNITED STATES.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 10171) to amend an act entitled "An act to provide for the reorganization of the Consular Service of the United States."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment of the Committee on Foreign Relations was, on page 1, lines 10 and 11, to strike out "Johannesburg, Ottawa;" on page 2, line 2, before the words "Mexico City," to insert "Johannesburg," and in the same line, before "Vienna," to insert "Ottawa;" in line 9, before the word "Munich," to strike out "Monterey;" and in line 12, before "Stockholm," to insert "Monterey," so as to read:

Consuls general. Class 1, $12,000: London, Paris.
Class 2, $8,000: Berlin, Buenos Aires, Calcutta, Habana, Hamburg, Hongkong, Rio de Janeiro, Shanghai, Yokohama.
Class 3, $6,000: Constantinople, Johannesburg, Mexico City, Montreal, Ottawa, Vienna.
Class 5, $4,500: Auckland, Beirut, Boma, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankow, Munich, Sofia, Smyrna, Vancouver, Winnipeg, Zurich.
Class 6, $3,500: Adis Ababa, Lisbon, Mazatlan, Monterey, Stockholm, Tangier.

The amendment was agreed to.

The next amendment was, on page 2, line 21, to strike out "Melbourne;" on page 2, line 24, strike out "Prague;" on page 3, line 3, after "Leipzig," to insert "Melbourne;" in line 5, after "Plauen," to insert "Prague;" on page 3, line 8, to strike out "Bagdad;" in line 13, to strike out "Zacapa;" in line 15, to insert "Bagdad;" in line 17, to insert "Gibraltar;" on page 4, line 4, to strike out "Gibraltar;" and in line 13, to insert "Zacapa," so as to read:

Consuls—Class 3, $5,000: Amsterdam, Bremen, Belfast, Dawson, Glasgow, Havre, Kobé, Lourenco Marquez, Lyon.
Class 4, $4,500: Amoy, Birmingham, Chefoo, Cienfuegos, Foochow, Kingston (Jamaica), Newchwang, Nottingham, St. Gall, Santiago (Cuba), Southampton, Veracruz.
Class 5, $4,000: Bahia, Batavia, Bombay, Bordeaux, Colombo, Colon, Dublin, Dundee, Durban, Dusseldorf, Edinburgh, Harbin, Leipzig, Melbourne, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Prague, Reichenberg, Sao Paulo, Stuttgart, Tamsui, Toronto, Tsingtau, Victoria, Warsaw.
Class 6, $3,500: Alexandria, Barranquilla, Basel, Berne, Bluefields, Bradford, Buena Ventura, Chemnitz, Chungking, Cologne, Cork, Fiume, Geneva, Georgetown, Guadalajara, Mannheim, Maracaibo, Montevideo, Nagasaki, Odessa, Omsk, Palermo, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Tairen, Vladivostok.
Class 7, $3,000: Aden, Aix la Chapelle, Aleppo, Bagdad, Barbados, Belgrade, Calais, Calgary, Cardiff, Carlsbad, Corinto, Florence, Frontera, Ghent, Gibraltar, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Messina, Mombasa, Nantes, Nassau, Newcastle (England), Newcastle (New South Wales), Oaxaca, Plymouth, Port Antonio, Port au Prince, Port Limon, Progreso, Punta Arenas, Riga, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), Seville, Sheffield, Stoke-on-Trent, Swansea, Sydney (Nova Scotia), Turin, Tabriz, Tampico, Trieste, Trinidad.
Class 8, $2,500: Acapulco, Algiers, Amapala, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Curacao, Erfurt,, Gothenburg, Guanajuato, Guaymas, Hamilton (Bermuda), Hull, Kingston (Ontario), Leeds, Lemberg, Limoges, Madrid, Magdeburg, Malta, Martinique, Matamoros, Mersine, Nice, Nogales, Nueva Laredo, Orillia, Owen Sound, Prescott, Puerto Cortes, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, San Luis Potosi, Sarnia, Sault Ste. Marie, Swatow, Tamatave, Teneriffe, Torreon, Trebizond, Tripoli (North Africa), Tsinanfu, Valencia, Windsor (Ontario), Yarmouth, Zacapa.

The amendments were agreed to.

Mr. LODGE. On page 7, line 6, I move to strike out "three hundred and eight" and insert "two hundred and nine." It is a wrong reference to the statute.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, on page 7, after line 14, to strike out:

Section 10 of the act of April 5, 1906 (34 Stats., 102), is hereby amended to read as follows:

"SEC. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and the par value of all such stamps so delivered to him by the Department of State shall be charged to him.

"Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"Within 20 days after the end of each quarter every consular officer shall render to the Department of State a stamp account, in which he shall charge himself with the balance of uncanceled stamps on hand at the beginning of the quarter and with all stamps received by him from the Department of State during the quarter and shall credit himself with all stamps affixed to official or notarial documents during the quarter and canceled by him; and said account shall be forwarded by the Department of State to the Auditor for the State and Other Departments for audit under the provisions of section 12 of the act of July 31, 1894 (28 Stats., 209). And that the Department of State shall make to the Auditor for the State and Other Departments a quarterly report of all such stamps received by said department and supplied to consular officers."

Section 1728, Revised Statutes of the United States, is hereby amended to read as follows:

"SEC. 1728. Every consular officer, in rendering his account, shall furnish, in such form as the President may prescribe, a complete and accurate statement of the total amount of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all fees received by him, or for his use, for his official and unofficial services as such consular officer during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

Sections 1726, 1727, 1729, and 4213, Revised Statutes of the United States, are hereby repealed.

And insert:

That section 10 of an act entitled "An act to provide for the reorganization of the Consular Service of the United States," approved April 5, 1906, be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 10. That every consular officer shall be provided with official stamps on which shall be printed the equivalent money value of denominations, and to amounts to be determined by the Department of State, and shall account for the face value of such stamps furnished to him. Whenever a consular officer is required, or finds it necessary, to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document, as prescribed in the consular regulations, to which there shall be affixed and duly canceled a stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

"It shall be the duty of every consular officer to render a quarterly account of all his receipts and disbursements, which shall include his stamp account, as required by the provisions of this act.

"The said account shall be sent to the proper officer at Washington for administrative examination, and by him forwarded to the Auditor for the State and Other Departments for settlement under the provisions of the act of July 31, 1894, except that consular agents shall render their accounts under regulations prescribed by the President of the United States under the provision of section 1752 of the Revised Statutes of the United States; and the Secretary of State shall cause to be rendered to the Auditor for the State and Other Departments a quarterly account of all consular stamps received by him and supplied to consular officers, or otherwise disposed of: *Provided*, That the Secretary of State may allow to any consular officer to whom stamps have been delivered credit for the face value of all stamps returned unused, defaced, or otherwise rendered useless without negligence on the part of the consular officer, and the Auditor for the State and Other Departments shall charge every consular officer in the settlement of his account with the face value of stamps received by him and for which he shall fail to account."

That section 1728 of the Revised Statutes of the United States be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 1728. Every consular officer, in rendering his account of fees received, shall furnish a complete and accurate summary of every class and character of fees collected by him, as shown by the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true and contains a full and accurate statement of all the fees received by him, or for his use for his official and notarial services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury in any such oath, within the intent and meaning of any act of Congress, now or hereafter made, he shall be deemed guilty of perjury, and he may be charged, proceeded against, tried and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense."

That section 4213 of the Revised Statutes of the United States, as amended by the act of June 26, 1884, chapter 121, section 13, be, and is hereby, amended and reenacted so as to read as follows:

"SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement he shall be liable to a fine of not exceeding $50, unless such master shall state, under oath, that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF WATER ON RECLAMATION PROJECTS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes.

Mr. CARTER. I move that the Senate disagree to the amendments of the House of Representatives, that a conference be

asked on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed as the conferees on the part of the Senate Mr. WARREN, Mr. JONES, and Mr. BAILEY.

HOT SPRINGS (ARK.) LODGE.

Mr. CLARKE of Arkansas. I ask unanimous consent to call up the bill (H. R. 23361) authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE D. BENNETT.

Mr. WARREN. There are three very short bills of the House of Representatives, all to correct military records, which I should like to call up, the first being the bill (H. R. 21882) for the relief of Horace D. Bennett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Horace D. Bennett, who was a first lieutenant of Company D, One hundred and fifth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DOHERTY.

Mr. WARREN. I now wish to call up the bill (H. R. 21646) for the relief of William Doherty.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, William Doherty, now a resident of New Jersey, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Fourteenth Regiment New York State Militia, on July 24, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. DRUMMON.

Mr. WARREN. I also ask unanimous consent to have considered the bill (H. R. 13936) for the relief of William P. Drummon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that William P. Drummon shall hereafter be held and considered to have been mustered into the service of the United States as a private of Company H, Seventeenth Regiment New York State Militia Volunteer Infantry, on the 8th day of July, 1863, and to have remained continuously in the service until honorably discharged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT S. HENDERER.

Mr. CRAWFORD. There are a couple of very deserving claims under the employers' liability act giving one year's compensation, which have been unanimously reported, and I should like to have them considered. The first is the bill (S. 974) for the relief of Albert S. Henderer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert S. Henderer the sum of $973.44, the amount of his pay for one year, for damages arising out of an injury sustained by him while employed in the east gun shop, United States navy yard, Washington, D. C., on the 11th day of August, 1903; and the said sum of $973.44 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLEVADORAH STEELE.

Mr. CRAWFORD. I also ask unanimous consent for the present consideration of the bill (S. 7638) for the relief of Bellevadorah Steele.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment in line 7, before the word "dollars," to strike out "ten thousand" and insert "one thousand two hundred and forty-eight," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bellevadorah Steele, out of any money in the Treasury not otherwise appropriated, the sum of $1,248, in full compensation for injuries received by Horatio N. Steele, husband of the said Bellevadorah Steele, while performing his duties as a master mechanic in the gun-carriage shop of the navy yard at Washington, D. C.

The amendment was agreed to.

Mr. HEYBURN. While I realize that it is a mere matter of form, perhaps, yet the Secretary of the Treasury can not draw a check against any fund in the United States unless the Congress authorizes him to do it. I notice that these bills are going through in that way. If it is a custom, it is in violation of the law, and it is a bad custom. The Secretary of the Treasury has nothing whatever to do with the paying of money out of the Treasury. We make an appropriation, reading, "There is hereby appropriated out of any money in the Treasury not otherwise appropriated," and the Treasurer pays it. The Secretary of the Treasury never comes in contact with it at all.

Mr. KEAN. I think if the Senator from Idaho will look at what has been the practice, he will find that it has been customary to direct either the Secretary of the Interior to do a thing, or the Secretary of the Navy——

Mr. HEYBURN. Not to pay money.

Mr. KEAN. Or the Secretary of War to do a certain thing, because it has to be passed through some one of the departments; and as this is for the payment of money the bill directs the Secretary of the Treasury to perform those necessary duties for which we appropriate the money.

Mr. HEYBURN. But the Constitution says that no money shall be paid out of the Treasury except by direct appropriation by Congress.

Mr. KEAN. That is right.

Mr. HEYBURN. You can not reconcile it at all. I merely call attention to it, not that I intend to object, because it will have to take its own chances.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHUCAWALLA DEVELOPMENT CO.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE MARTIN.

Mr. SHIVELY. I ask unanimous consent for the consideration of the bill (H. R. 19505) for the relief of Eugene Martin.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eugene Martin, now a resident of Indiana, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Tenth Regiment Kentucky Volunteer Infantry, on the 22d day of February, 1863. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EVAN M. JOHNSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Evan M. Johnson, United States Army, $1,584, to be payment in full for all losses of personal

property incurred by him by reason of the sinking of the United States transport *Meade* in the harbor of Ponce, P. R., on or about March 24, 1902. But the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. YOUNG.

Mr. BRISTOW. I should like to call up two bills that involve small amounts. I ask unanimous consent that the Senate may consider the bill (H. R. 18342) for the relief of E. C. Young.

Mr. DEPEW. I ask the Senator from Kansas if the bill will call for any debate.

Mr. BRISTOW. I think not, as will be seen after the bill is read.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to E. C. Young, of Hot Springs, Ark., $449.30, being the amount paid by him to the United States as surety on the bail bond of one John Parker, who forfeited his bail bond in a cause wherein the United States was plaintiff and John Parker was defendant, being No. 1758 on the docket of the district court of the United States in and for the western division of the eastern district of Arkansas.

Mr. CLARK of Wyoming. I should like to have some reason given for releasing Mr. Young from this bond.

Mr. BRISTOW. He was on the bond of a man who was arrested for forging a money order. The man escaped and ran away. This man went and caught him at his own expense and brought him back, and he made good the forfeiture and paid in the money. He went down in Alabama and got the man and brought him back, when he was tried and convicted. The bill proposes to pay back the money he paid on the forfeited bond.

Mr. CLARK of Wyoming. That is quite satisfactory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA A. WAGNER.

Mr. BRISTOW. I now ask the Senate to consider the bill (H. R. 18857) for the relief of Laura A. Wagner.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Laura A. Wagner $1,186.25, in payment of all claim or damage arising from an injury to and the death of her father, John A. Wagner, which was caused by a bullet fired by Government employees at the United States arsenal at Bridesburg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AURORA, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "to," to strike out "acquire, by purchase, condemnation, or otherwise, a site and;" in line 5, after the word "erected," to strike out "thereon" and insert "upon the site already selected and purchased by him in the city of Aurora, Mo.;" in line 10, after the word "Missouri," to strike out "the cost of said site and" and insert "which said;" and on page 2, line 3, before the word "thousand," to strike out "seventy-five" and insert "sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Aurora, Mo., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Aurora, in the State of Missouri, which said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $65,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out all of the bill after line 4, in the following words:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of largest circulation of said city for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendations thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to provide for the erection of a public building at Aurora, in the State of Missouri."

SOLDIERS AND SAILORS AT PUBLIC AMUSEMENTS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 23015) to protect the dignity and honor of the uniform of the United States.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "exceeding," to strike out "$1,000, or by imprisonment not exceeding two years, or by both," and insert "$500," so as to make the bill read:

*Be it enacted, etc.*, That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska or insular possession of the United States, shall make, or cause to be made, any discrimination against any person rightfully and lawfully wearing the uniform of the Army, Navy, or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500.

The amendment was agreed to.

Mr. BRANDEGEE. I offer an amendment at the suggestion of the Senator from Minnesota [Mr. NELSON], a member of the Judiciary Committee, from which committee the bill comes with a unanimous report. In line 9, after the word "Navy," I move to insert a comma and the words "Revenue-Cutter Service," so that the act will protect those wearing the uniform of the Army, the Navy, the Revenue-Cutter Service, and the Marine Corps.

The amendment was agreed to.

Mr. BRANDEGEE. Also, in line 8, I move that the words "rightfully and" be stricken out. I do not think those words add any force to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS P. MORGAN, JR.

Mr. OVERMAN. I ask leave to call up the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Thomas P. Morgan, jr., $4,942.28, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, jr., No. 692, congressional, on the dockets of that court, being the sum due Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. HUTCHINS.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 9270) for the relief of Frank W. Hutchins.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 11, before the word "dollars," to strike out "eight thousand" and insert "one thousand and eighty," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank W. Hutchins, of Vinalhaven, Me., administrator of the goods and estate which were of Edgar Emerson, deceased, late of Penobscot, in the county of Hancock, State of Maine, for the benefit of Margaret Ann Hutchins, of said Penobscot, his surviving mother, he having left no widow or children, out of any money in the Treasury not otherwise appropriated, the sum of $1,080, said sum being in full for all claims against the United States on account of the death of said Edgar Emerson, he having been killed by the United States troops at Fort Barrancas, Fla., through the negligence and

carelessness of said troops, and without any negligence or carelessness on his part contributing thereto, while said troops were engaged in target practice, he being at the time employed on a fishing vessel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I wish to give notice that immediately after the conclusion of the speech of my colleague [Mr. ROOT] to-morrow, of which notice has been given, I shall call up the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 10, 1911, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *February 9, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

APOLOGY TO THE HOUSE.

The SPEAKER. The Chair has received a communication that it seems to the Chair, in fairness to the House, he ought to lay before it. It refers to a matter of privilege that the House considered a few days ago, and the Chair will lay it before the House for its information.

The Clerk read as follows:

WASHINGTON, D. C., *February 8, 1911.*

Hon. JOSEPH G. CANNON,
*Speaker House of Representatives.*

DEAR SIR: Realizing that my attempted assault on a Member of this House Saturday evening, February 4, was a violation of the rules of the House and of the Constitution of the United States, I desire, through you, to apologize to the House of Representatives.

In this connection I desire to call attention to the fact that I called at your office early Monday morning for the purpose of making this apology. Mr. Busbey, your secretary, informed me that inasmuch as the incident of Saturday evening was not at that time a matter of official knowledge it would be well to take no action in the premises at that time.

Two hours later the matter was called to the attention of the House. I would have offered my apology then, were it not for the fact that I preferred to have the investigation, which was subsequently ordered, actually begin.

I have withheld my apology until the day of the investigation, in order that my letter might not be construed as an attempt to head off an investigation of the entire incident.

I am filing a copy of this letter with the investigating committee.

Yours, respectfully, WALTER J. FAHY.

The SPEAKER. It seems to the Chair that, without objection, the communication should be referred to the Committee on the Judiciary, if no Member has a different suggestion to make.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I am directed by the Committee on Military Affairs to report back with Senate amendments the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and to move to disagree, by instruction of the committee, to all amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. HULL], by direction of the Committee on Military Affairs, reports the Army appropriation bill with a recommendation that the House do disagree to all the Senate amendments, and asks unanimous consent that that order be made, including the asking of a conference.

Mr. SULZER. Mr. Speaker, we have no objection to that.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Iowa [Mr. HULL] whether any opportunity will be given to consider any of these Senate amendments?

The SPEAKER. Does the gentleman from Iowa [Mr. HULL] yield to the gentleman from Illinois?

Hr. HULL of Iowa. I yield to the gentleman.

Mr. MANN. I would like to inquire whether, if this bill goes to conference by unanimous consent, there will be any opportunity in the House to have a vote on some of the amendments which are in controversy and of considerable importance?

Mr. HULL of Iowa. I should say, Mr. Speaker, that the chances are the House would have an opportunity to vote on several of the amendments unless they are eliminated in conference. Of course, if they are eliminated in conference there will be no separate vote and no occasion for one.

Mr. FITZGERALD. Mr. Speaker, there are a number of provisions in this bill substantially increasing the officers in the Army and making provisions for some of the various services like the veterinary service and dental corps—an increase of six hundred and odd officers—and unless those matters will be brought back to the House they will have to be considered before they go to conference.

Mr. SLAYDEN. Mr. Speaker——

Mr. SULZER. Mr. Speaker——

Mr. HULL of Iowa. I would like to say to the gentleman from New York [Mr. FITZGERALD] and to the House this is the first proposition for a conference on this bill. It is impossible for the House, with any propriety, to decide on what can go to conference and what can not before the conferees have had at least one conference. This should be a free conference. The House always has had the absolute control of these matters, and it is no unusual thing to vote down a conference report where it has gone counter to the wishes of the House. I think I can say that in one case where the conferees on another bill went counter to the wishes of the House the House took the whole matter out of the hands of the House conferees and appointed new conferees. The first conference, in order to be a free conference, ought at least to give the conferees of the House an opportunity to meet the conferees of the Senate on equal terms. This matter has been gone over by the Committee on Military Affairs this morning. Of course that is not conclusive. Even if the committee were unanimous, they might not go in accordance with the wishes of the House, but if there was any proposition here to go into Committee of the Whole House on the state of the Union it would simply mean disagreement, because, I assume, the House would not take such action as to notify the Senate in advance that the conferees were not free in their first conference.

Mr. MANN. The gentleman realizes that there is a great difference between going into conference by disagreement in this form and going into conference after the House by unanimous vote has voted against a particular amendment.

Mr. HULL of Iowa. I remember on one occasion, if the gentleman from Illinois will pardon me, when the military appropriation bill went into Committee of the Whole House, and it simply resulted in a disagreement to all amendments, so that they might go into conference. Now, I realize just as much as the gentleman from Illinois that there is a vast amount of legislation on this bill, and that in fairness to the House, if it is not adjusted by the committee in conference, the House ought to have an opportunity to pass upon it. To take individual items now I think would be bad policy and not bind the committee any more than the knowledge of the situation in the House would bind it as it is.

Mr. SULZER. Mr. Speaker——

Mr. HULL of Iowa. I will yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I substantially agree with all the gentleman from Iowa has said, and in reply to the inquiries of the gentleman from New York and the gentleman from Illinois, I want to say that if these Senate amendments do not go out in conference by elimination, then the House, of course, will have an opportunity to vote on each or all of them when the report of the conferees is returned.

Mr. FITZGERALD. What the gentleman from New York means by elimination is difficult to tell; it might be elimination by agreement.

Mr. HULL of Iowa. Suppose the Senate recedes. They are not eliminated if we agree to them.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the chairman of the committee in reference to some items. Suppose the Senate conferees should be so persuasive as to induce the House conferees to agree to certain items that the House might be opposed to, then they would come in here with a motion to concur, and I believe that would have precedence in consideration by the House and the advantage of that position. What I want to have, and what I spoke to the chairman about, is that the House shall have the privilege to pass on certain items before any agreement can be reached, unless they are eliminated by agreement.

Mr. HULL of Iowa. I want to say that if we should formally consider each amendment, unless some man should move to concur, it would be a vote to nonconcur, and I think the committee of conference, understanding the temper of the House on this amount of legislation that is put on the bill, will have no disposition whatever to take advantage of the House in any way, and that the individual members of the conference wish to submit to the House the fullest opportunity for individual